

GENERAL INDEX

The following abbreviations are used throughout this section: C.D. (Conveyancer's Diary); C.L.C. (Common Law Commentary); Corres. (Correspondence); L. (Leading Articles); L.T. (Landlord and Tenant Notebook); M. (Miscellaneous); P.D. (Practitioner's Dictionary); P.N. (Practice Notes); Soc. (Societies); T. (Current Topics).

A

Administrative Tribunals and Enquiries, Committee on, action taken on report of, (L.) 407, 426, (T.) 678.

Adoption:

Amendments to Adoption Act, 1950, proposed by Children Bill, (M.) 164.
Legitimation and, (L.) 661.
Provisional, (L.) 717.

Affiliation:

Blood tests, (L.) 277.
Maintenance Orders Act, 1958, (L.) 78, 663, (T.) 924, 943.
"Single woman" for purposes of, (L.) 203.

Agent of claimant, insurer's undisclosed payment to, (L.) 425.

Agricultural holdings:

Agriculture Act, 1958, (L.T.) 208, (L.) 426.
Consent to notice to quit, (L.T.) 702.
Change of user, loss of security of tenure by, (L.T.) 719.
Compensation on quitting: notice to quit part, (L.) 258.
"Entitled to receive the rents and profits," (L.T.) 871.
Estate management and husbandry, (L.T.) 24.
Notice to quit, (L.T.) 358.

Aircraft breaking sound barrier, damage caused by, (C.L.C.) 537.

Animals, straying, (L.) 480.

Arbitration:

Industrial disputes, in, end of compulsory system of, (L.) 799.
Insurance policies, clause in, as to, (Corres.) 914.

Artificial insemination, (L.) 95.

Automatism, acting in state of, (C.L.C.) 260.

B

Bank manager, negligent advice by, (L.) 803.

Bankers' confirmed credits: dispute as to quality of goods, (C.L.C.) 299.

Bar, annual general meeting of, (Soc.) 549.

Betting and lotteries:

Disorderly houses, (L.) 481.
Publication of results of lottery, (M.) 17.
Reform of gaming law, legislation on, (M.) 366.

Birthday legal honours, (T.) 423, (M.) 456, 474.

Blood tests, (L.) 277.

"Brief to Counsel", extracts from, 540, 558, 577, 594, 613, 630.

British Nationality Bill, rights affected by, (M.) 127.

"By" specified date, meaning of, (P.D.) 685.

C

Cancer, information about, (Corres.) 194.

Chancery business, committee on, (M.) 513.

Change of Christian name, (T.) 478, (Corres.) 524, 559.

Charities:

Charitable Trusts (Validation) Act, 1954, (C.D.) 686.
Charity Commissioners, the, (L.) 909.
Cy-près doctrine and its reform, (M.) 910.
Gifts to, practicability of, (C.D.) 79.
Investment powers: equities, (L.) 893.
Leaving land to, (L.) 897.
Rating of, committee on, (M.) 91.
Rating relief for, (L.) 901.

Cheques Act, 1957, (Corres.) 13, (T.) 19, (Corres.) 28, 29, 49, (M.) 143, (T.) 220, (M.) 252.
Postmaster-General, payable orders drawn on, (M.) 310.
Rates paid by cheque, (M.) 128.

Children:

Adoption, *see* ADOPTION.
Conflicts of jurisdiction affecting, committee on, (M.) 128.
Custody and access, (Corres.) 13, 29, 932.
Legitimation and adoption, (L.) 661.
Matrimonial Proceedings (Children) Act, 1958, (L.) 608, (T.) 923.

Church, the, and the law, sermon on, (M.) 824.

Civil servants overseas, right to try, (M.) 218.

Clubs, assistance by local authority for, (L.) 887.

Common Land, Report of Royal Commission on, (T.) 533, (L.) 781, 801, 819.

Summary of recommendations and conclusions, (M.) 565.

Company law:

Articles of association, enforcement of, between members, (C.L.C.) 390.
Bearer shares, (M.) 848.
Bonus issues, Capital Issues Committee's criteria as to, (M.) 17.
Compulsory share acquisition, (C.L.C.) 390.
Debt, statute-barred, acknowledgment of, (C.L.C.) 718.
Dividend stripping, (T.) 295, 314, (L.) 335.
Formation of company, (L.) 187, 204, 222, 240, 259, 279.
General title in applications under Companies Act, 1948, (P.N.) 310.
General title in winding-up proceedings, (P.N.) 310.
Gift of company shares to company itself, (L.) 315.
Partnership or company to save tax, (L.) 114, 131, 150.
Private investment companies to save tax, (L.) 517.
"Remedies of oppressed minority," (L.) 698.
"Shell" companies to save tax, (L.) 667.
Small private company, some troubles of, (L.) 732.
Transfers of shares, sealing of, whether necessary, (L.) 833, (M.) 848.
Two companies, formation of, to save tax, (L.) 625.

Compensation for accidents, (L.) 729, 749, 765, 783.

Conflict of laws: European Common Market, (L.) 186.

Contempt of court, (L.) 662.

Contract:

Articles of association: whether contract between members, (C.L.C.) 390.
"By" specified date, meaning of, (P.D.) 685.

Contract (continued):

Consideration, two exceptions to doctrine of? (C.L.C.) 299.
Deed, requirements of, (L.) 242.
Defeasible acceptance of goods, (C.L.C.) 785.
European Common Market, (L.) 186.
Frustration, application of doctrine of, to leases and tenancy agreements, (L.T.) 670.
Frustration, basis of, (C.L.C.) 699.
Gift and bargain, borderline between, (C.L.C.) 4.
Letters of credit, time for opening, (C.L.C.) 411.
Misrepresentation, innocent, (C.L.C.) 444.
"On," "on or about," "on or before" specified date, meaning of, (P.D.) 786.
Promises external to, (C.L.C.) 666.
Property acquired with knowledge of third party's right, (C.L.C.) 336.
Seals, whether necessary, (L.) 833, (M.) 848.
Trade union, negotiated by, (C.L.C.) 151.

Conversion, measure of damages in, (C.L.C.) 241.

Conveyancing:

Access by public to privately owned land, (L.) 297.
Advancement, power of, (C.D.) 168, 520.
Appointment, exercise of hybrid powers of, (L.) 483.
Auctioneers' remuneration, (P.N.) 864.
Charging orders on land, (L.) 317, (Corres.) 367.
Charities, *see* CHARITIES.
Common Land, Report of Royal Commission on, (T.) 533, (L.) 781, 801, 819.
Summary of recommendations and conclusions, (M.) 565.
Costs on sales to local authorities, (T.) 20, (M.) 35.
Covenants affecting land, (C.D.) 392, 412.
Covenants to use for purposes of private dwelling-house only, (L.) 98.
Deaths, multiple and notional, (L.) 221.
Deed, requirements of, (L.) 242.
Enquiries of local authorities, forms of, (Corres.) 328, 367.
Estoppel from reliance on lease not created by recital of seisin in conveyance, (L.) 190.
"Hereditament," meaning of, (P.D.) 715.
Intestacy, *see* INTESTACY.
Joint tenants and tenants in common, sale by survivor of, (Corres.) 914.
"Land charge," vacation of, (L.) 43.
Land Powers (Defence) Act, 1958, (L.) 408, (T.) 606, (C.D.) 610.
Lien of vendor for unpaid purchase money, (C.D.) 462.
Light, Rights of, Report of Committee on, (T.) 533, (M.) 549, (C.D.) 554.
Limitation: dispossession of owner, (L.) 152.
Locke King's Acts, a point on, (C.D.) 804.
Matrimonial Causes (Property and Maintenance) Act, 1958, (L.) 643, (C.D.) 769, (T.) 923.
Mortgage, *see* MORTGAGE.
1957, (C.D.) 6.
Opencast Coal Act, 1958, (L.) 945.
Public Trustee, duties of, (M.) 163.
Registered chargee and tenant under mortgagor, mutual rights of, (C.D.) 132.
Registration of title and home ownership, (T.) 727, (Corres.) 775, 796.
Rights of Light, Report of Committee on, (T.) 533, (M.) 549, (C.D.) 554.

Current Topics, Rent Act Problems and Cases appear separately after the General Index.

Conveyancing (continued):

Rights of way, *see* RIGHTS OF WAY.
Specific devise of interest charged with payment of money, (C.D.) 804.
"Statutory trusts," *the*, (L.) 44, 222.
Tenants in common and joint tenants, sale by survivor of, (Corres.) 914.
Title, resolution of doubtful, (C.D.) 339.
Trusts, *see* CHARITIES; TRUSTS.
Vendor's trusteeship, limits of, (L.) 592.
Water Act, 1958, (L.) 945.
Water, property owner's right to, (L.) 445.
Way, rights of, *see* RIGHTS OF WAY.
Wills, *see* WILLS.

Copyright (International Conventions) (Amendment) Order, 1958, (M.) 658.

Costs:

Costs of Leases Act, 1958, (L.) 945.
Counsel's fees in interlocutory work, (M.) 268.
Court of Protection, of proceedings in, taxation of, (M.) 236.
Fixed, alterations in, (M.) 181.
Legal aid, in county court, (L.) 479.
Licence to assign tenancy, of, (L.T.) 521.
Local authorities, on sales to, (T.) 20, (M.) 35.
Solicitor's personal liability for, (T.) 237.
Supreme Court Fees (Amendment) Order, 1958, (M.) 127, 181.
Supreme Court (Non-Contentious Probate) Fees Order, 1958, (M.) 127.
View by counsel, (L.) 149.

Court of Protection, taxation of costs of proceedings in, (M.) 236.

Credit-sale, *see* HIRE-PURCHASE.

Criminal law:

Abortion, Interdepartmental Committee on, (M.) 17.
Assaults, indecent, revision of law as to, (M.) 17.
Blood tests, (L.) 277.
Borstal institutions, time spent in, (M.) 564.
Compensation of persons apprehending offenders, (M.) 163.
Compensation of victims of violence, (T.) 333, (M.) 385, 530, 829.
Conditional discharge, further offence committed while subject to, (M.) 234.
Contempt of court, (L.) 662.
Disorderly houses, (L.) 481.
Eire, arrest of citizens of: statistics, (M.) 144.
Evidence, accused person not giving, (L.) 23.
Extraterritorial crime, (L.) 189.
False imprisonment, (L.) 890.
Fines, out-of-date, (T.) 184, (M.) 218, 829.
First Offenders Bill, 1958, (L.) 590.
Habeas corpus, suggested provision for appeal from refusal of, (M.) 939.
House of Lords, statistics of appeals to, (M.) 273.
Insanity or diminished responsibility: calling of witnesses by prosecution, (L.) 682.
Interdepartmental Committee on Business of Criminal Courts, (M.) 403, 473, (T.) 678, (M.) 814.
Juveniles, practice of Metropolitan Police in taking statements from, (M.) 403.
Larceny, revision of law of, (M.) 939.
Litter Act, 1958, (L.) 536, (T.) 605, (L.) 945.
Magistrates' courts, *see* MAGISTRATES' COURTS.
Perjury, no damages for, (C.L.C.) 591.
Preventive detention: eligibility for release, (M.) 109.
Probation, *see* PROBATION.
Punishment fitting crime, (Corres.) 172.
Research, criminological, (M.) 530, (T.) 552, (M.) 584.
Retribution and the war on crime, (L.) 679.
Statements in writing by accused persons, (M.) 920.
Statements suggestive of innocence, (L.) 115.
Suicide, law relating to, (M.) 144, (T.) 387, 551, (M.) 564, 829.
Trading Representations (Disabled Persons) Act, 1958, (L.) 892.

D**Debt:**

Charging orders on land, (L.) 317, (Corres.) 367.
Fund to pay third party, (C.L.C.) 299.

Debt (continued):

Matrimonial home occupied by deserted wife, levying execution on contents of, (L.) 188.
Statute-barred, company's acknowledgment of, (C.L.C.) 718.

Deed:

Requirements of, (L.) 242.
Seals, whether necessary, (L.) 833, (M.) 848.

Defence purposes, use of land for, (L.) 408. (T.) 606, (C.D.) 610.

Dentistry, law relating to, (L.) 21.

Diplomatic immunity, (M.) 179.

Divorce:

Blood tests, (L.) 277.
Change of sex, (M.) 880.
Divorce (Insanity and Desertion) Act, 1958, (L.) 607, (T.) 923.
Appointment of guardian of respondent, (P.N.) 604.
Election whether to call evidence, (L.) 927.
Foreign marriage, proof of, (P.N.) 109.
Matrimonial Causes (Property and Maintenance) Act, 1958, (L.) 643, (C.D.) 769, (T.) 923.
Matrimonial Proceedings (Children) Act, 1958, (L.) 608, (T.) 923.
Trial of matrimonial causes on circuit, (P.N.) 796.

Doctor's duty to tell, (L.) 850.

E

Enforcement of judgments, (Corres.) 272.

Charging orders on land, (L.) 317, (Corres.) 367.
Matrimonial home occupied by deserted wife, levying execution on contents of, (L.) 188.
Possession orders, dates in, (L.T.) 929.

"Estate agents," deposits paid to, (Corres.) 143.

Estate duty:

Advancement, application of power of, to save, (C.D.) 168.
Assets basis of valuation of shares and debentures for, (L.) 337, 353.
Cypriot terrorists, relief for estates of victims of, (M.) 863.
Discretionary settlements, settlor's strings on, (L.) 925, 946.
Finance Act, 1940, s. 55, (L.) 337, 353.
Finance Act, 1958, (L.) 787, 869.
Finance Bill, (L.) 373.
"Interest as holder of an office," (L.) 389.
Life policies, extra-statutory concession as to, (T.) 352.
Multiple and notional deaths, (L.) 221.
Probate and, (M.) 956.
Quick succession allowance, (L.) 787.
Sale of reversion to life tenant, (C.D.) 300, (L.) 429, 571.
Terminating a settlement, (L.) 571.

European Common Market, (L.) 186.

Evidence:

Accused person not giving, (L.) 23.
Blood tests, (L.) 277.
Election in the Divorce Division, (L.) 927.
Insanity or diminished responsibility: calling of witnesses by prosecution, (L.) 682.
Maintenance applications, in, (Corres.) 842.
Mental incapacity, of, in probate matters, (P.N.) 494.
Oath, taking the, (Corres.) 598.
Perjury, no damages for, (C.L.C.) 591.
Statements in writing by accused persons, (M.) 920.
Statements suggestive of innocence, (L.) 115.

F**Factories:**

Limitation of action in respect of occupational disease, (L.) 39.
Slaughterhouses Act, 1958, (L.) 626.

False imprisonment, (L.) 890.

Fatal accidents and contracts of insurance, (L.) 684.

"Furniture," meaning of, in will, (P.D.) 768.

H

Handwriting, (Corres.) 421.

"Hereditament," meaning of, (P.D.) 715.

Highways:

Animals straying on to, (L.) 480.
Committee on draft Bill as to, (M.) 180.
Premises adjoining, brick falling from, on passer-by, (C.L.C.) 553.
Private street works expenses, notice requiring payment of, fresh plans submitted after, (L.) 206.

Hire-purchase:

Control of Hiring (Amendment) Order, 1958, (M.) 694.
Credit-sale agreements for passing of property at future date, (L.) 497.
Hire-Purchase and Credit Sale Agreements (Control) (Amendment No. 2) Order, 1958, (M.) 694.
Tricks of the trade, (L.) 589.

Hungarian situation and the Rule of Law, (L.) 461.

Husband and wife:

Ante-nuptial settlement, whether transfer of securities to husband "as an absolute gift" is, (L.) 355.
Appeal to Divisional Court, cross-reference to other matrimonial proceedings on, (P.N.) 864.
Artificial insemination, (L.) 95.
Custody and access, (Corres.) 13, 29, 932.
Deserted wife in matrimonial home: levying execution on contents, (L.) 188.
Deserted wife, taxation of, (L.) 443.
Divorce, *see* DIVORCE.
Magistrates' domestic jurisdiction, critical survey of, (L.) 867, 889, (Corres.) 954.
Maintenance Agreements Act, 1957, s. 2, permission to apply for order under, (P.N.) 146.
Maintenance applications, evidence in, (Corres.) 842.
Maintenance Orders Act, 1958, (L.) 78, 663, (T.) 924, 943.
Matrimonial Causes (Property and Maintenance) Act, 1958, (L.) 643, (C.D.) 769, (T.) 923.
Matrimonial Proceedings (Children) Act, 1958, (L.) 608, (T.) 923.
"Single woman" for affiliation purposes, (L.) 203.
Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949, Committee on, (M.) 530.
Trial of matrimonial causes on circuit, (P.N.) 796.

I

Industrial dispute, *see* TRADE DISPUTE.

Infants:

Disposition of property by, (L.) 116.
Wards of court, committee on, (M.) 128.

Insurance:

Agent of claimant, undisclosed payment by insurer to, (L.) 425.
Arbitration clauses, (Corres.) 914.
Atomic reactors, of, (L.) 43.
Builders' risks, against, (L.) 733.
Compensation for accidents, (L.) 729, 749, 765, 783.
Fatal accidents and contracts of, (L.) 684.
Insurance Companies (Forms) Regulations, 1958, (M.) 812.
Life policies and estate duty, extra-statutory concession as to, (T.) 352.
Marine policies, "inherent vice" in, (L.) 768.
Motor Insurers' Bureau, change of address of, (M.) 748.
Previous convictions, non-disclosure of, (L.) 280.

International Bar Association Conference (Soc.) 650.

International Commission of Jurists:

Hungary, publications on, (L.) 461.
"Justice," (Corres.) 172, 194, 213.

Current Topics, Rent Act Problems and Cases appear separately after the General Index.

International Law Association Conference, (Soc.) 775.

Intestacy:

Multiple and notional deaths, (L.) 221.
"Statutory trusts," the, (L.) 44, 222.

J

Judges' non-judicial work, (M.) 384.

"**Justice,**" (Corres.) 172, 194, 213.

L

Land Powers (Defence) Act, 1958, (L.) 408, (T.) 606, (C.D.) 610.

Landlord and tenant:

Agricultural holdings, *see* AGRICULTURAL HOLDINGS.

Assign, costs of licence to, (L.T.) 521.

Business premises only, covenant to use as, (L.T.) 611.

"By" specified date, meaning of, (P.D.) 685.

Council houses, differential rents for, (L.T.) 282, 538.

Covenants to use for purposes of private dwelling-house only, (L.) 98.

Feudal principle in law of, (L.T.) 8.

Forfeiture, non-statutory relief against, (L.T.) 154.

Frustration, application of doctrine of, to leases and tenancy agreements, (L.T.) 670.

Illegality, effects of, (L.T.) 191.

Landlord and Tenant Act, 1954 (business premises):

Apportionment of rent on statutory determination of tenancy, (L.T.) 394.

"Business statutory tenancy," (L.T.) 46.

Change of user, loss of security of tenure by, (L.T.) 719, 772.

Combined premises, decontrol of, (L.T.) 431.

Intention, conditional, (L.T.) 593.

Intention, future, (L.T.) 263.

Intention to demolish, (L.T.) 170.

"Ought not to be granted a new tenancy," (L.T.) 629.

Rent of new tenancy, determination of, (L.T.) 60.

Wrong respondents named in application for new tenancy, (L.T.) 463.

Landlord and Tenant (Temporary Provisions) Act, 1958, pleading claim for possession under, (L.T.) 788.

Landlord and Tenant (Temporary Provisions) Bill, (L.T.) 302, 484.

Noise, landlord's responsibility for, (L.T.) 688.

Notice to quit, alternatives in, (L.T.) 133.

Notice to quit council house, (L.T.) 282.

Notice to quit unnecessary, (L.T.) 118.

"On," "on or after" specified date, meaning of, (P.D.) 786.

Possession orders, dates in, (L.T.) 929.

Refrigeration, supply of, (L.T.) 322.

Rent restriction, *see* RENT RESTRICTION.

Rents anticipating inflation, (L.T.) 738, 752.

Repairs:

Age of building, question of, (L.) 898.

Damages for lessor's failure to repair, (L.T.) 839.

Dilapidations, (L.T.) 375.

Leasehold Property (Repairs) Act, 1938, matters to be proved on application for leave to proceed under, (L.T.) 854.

Leasehold Property (Repairs) Act, 1938, position of "lessee" no longer in possession under, (L.T.) 448.

Leasehold Property (Repairs) Act, 1938, scope of, (L.T.) 805.

Rent Act, 1957, *see* RENT RESTRICTION.

"Structural repairs of a substantial nature" excepted from tenant's covenant, (L.T.) 556.

Reputation of landlord's title, (L.T.) 100.

Technical and ungrammatical language, (L.T.) 80.

Law Society:

Annual conference of, (Soc.) 697, (T.) 712.

Annual general meeting of, (Soc.) 500.

Legal aid:

Contributions, (M.) 957.

Costs in county court, (L.) 479.

Fraudulent claims, (T.) 220, (M.) 331.

Future of, (Corres.) 104.

Legal advice, (T.) 423, 441, (M.) 457, 473, (T.) 495, 515, (Corres.) 524, (T.) 677, 883.

Legal Aid and Advice Act, 1949, ss. 21-23, implementation of, (M.) 403, (T.) 405, 442.

Legitimation and adoption, (L.) 661.

Letters of credit, time for opening, (C.L.C.) 411.

Licensing, annual returns submitted by clubs, (M.) 127.

Light, Rights of, Report of Committee on, (T.) 533, (M.) 549, (C.D.) 554.

Limitation of actions:

Adverse possession of land: dispossession of owner, (L.) 152.

Company's acknowledgment of statute-barred debt, (C.L.C.) 718.

Deed, requirements of, (L.) 242.

Occupational disease, in respect of, (L.) 39.

Litter Act, 1958, (L.) 536, (T.) 605, (L.) 945.

Local authorities:

Clubs, assistance for, (L.) 887.

Costs on sales to, (T.) 20, (M.) 35.

Enquiries of, forms of, (Corres.) 328, 367.

Loans to, as trustee investments, (T.) 712.

Local Government Commission for England, appointment of, (M.) 813.

Private street works expenses, duty to serve notices in respect of, (L.) 206.

Slaughterhouses Act, 1958, (L.) 626.

Water Act, 1958, (L.) 945.

Water, property owner's right to, (L.) 445.

Logic of the illogical, (C.L.C.) 429.

M

Magistrates' courts:

Dog licences, exemption of sheepdogs from, (Corres.) 796, 809.

First Offenders Act, 1958, (L.) 590.

Licensing: annual returns submitted by clubs, (M.) 127.

Magistrates' Courts Act, 1957, (L.) 896.

Matrimonial jurisdiction, critical survey of, (L.) 867, 889, (Corres.) 954.

Pleading guilty in writing, (L.) 896.

Master and servant:

Goods of servant, master's liability for, (C.L.C.) 319.

Indemnity claim by master against servant, (C.L.C.) 167.

Trade union, contract negotiated by, (C.L.C.) 151.

"**Money,**" meaning of, in will, (P.D.) 685.

Morocco, justice in, (L.) 821.

Mortgage:

Controlled, (C.D.) 207.

Dwelling-house, of, proposed abolition of stamp duty on, (M.) 848.

Leasing, mortgagor's powers of, (C.D.) 838.

Possession claim by third party, (P.N.) 36.

Possession claim: no appearance by defendant, (P.N.) 418.

Possession claim: no estoppel from reliance on lease by recital of seisin in conveyance, (L.) 190.

Registered chargee and tenant under mortgagor, mutual rights of, (C.D.) 132.

Motor Insurers' Bureau, change of address of, (M.) 748.

N

National Assistance grants and non-contributory pensions, conditions governing award of, (L.) 907.

National Parks and Access to the Countryside Act, 1949:

Access by public to privately owned land under, (L.) 297.

Rights of way survey under: draft maps, etc., prepared, (M.) 145, 312, 514, 921, 957.

Natural justice: disqualification of film exhibitor by trade association, (C.L.C.) 645, (Corres.) 743.

Negligence, (C.L.C.) 371.

Brick falling from building on passer-by, (C.L.C.) 553.

Compensation for accidents, (L.) 729, 749, 765, 783.

Doctor's duty to tell, (L.) 850.

Investment, negligent advice on, (L.) 803.

Limitation of action in respect of occupational disease, (L.) 39.

Occupier's liability, (L.) 57, 77, 97.

Sound barrier shock-waves, (C.L.C.) 537.

Standard of care required of householder doing house repairs, (C.L.C.) 573.

New Streets Act, 1951: notice requiring payment of private street works expenses, fresh plans submitted after, (L.) 206.

New year legal honours, (M.) 30.

O

Occupier's liability, (L.) 57, 77, 97.

"**On,**" "on or about," "on or after," "on or before" specified date, meaning of, (P.D.) 786.

Opencast Coal Act, 1958, (L.) 945.

P

Pakistan, mandamus and certiorari in, (Corres.) 954.

Partnership:

Service of writ against, when partner out of jurisdiction, (C.L.C.) 428.

Tax saving by company or, (L.) 114, 131, 150.

Tenant, as: position on dissolution, (L.T.) 118.

Passports, withholding or withdrawing, (M.) 473.

Patents Appeal Tribunal, public hearings by, (P.N.) 941.

Patents Rules, 1958, (M.) 83.

Practice Notes:

Auctioneers' remuneration, (P.N.) 864.

Companies Act, 1948, general title in applications under, (P.N.) 310.

Company winding up, general title in proceedings in, (P.N.) 310.

Divorce petition founded on insanity: appointment of guardian, (P.N.) 604.

Foreign marriage, proof of, (P.N.) 109.

Funds in court, payment of, to married women and widows, (P.N.) 550.

Maintenance Agreements Act, 1957, s. 2, permission to apply for order under, (P.N.) 146.

Matrimonial causes, trial of, on circuit, (P.N.) 796.

Matrimonial proceedings, cross-reference to, on appeal to Divisional Court, (P.N.) 864.

Middlesex, actions in Queen's Bench Division for trial in, (P.N.) 940.

Mortgage: possession claim by third party, (P.N.) 36.

Mortgage, possession claim by: no appearance by defendant, (P.N.) 418.

Notice of appeal, service of, out of time, (P.N.) 476.

Patents Appeal Tribunal, public hearings by, (P.N.) 941.

Probate: evidence of mental incapacity, (P.N.) 494.

Restrictive Practices Court: applications in interlocutory matters, (P.N.) 941.

Restrictive Practices Court: identification of restrictions in pleadings, (P.N.) 864.

Precedent in conflict with principle, (C.L.C.) 519, 609.

Private International Law Committee's report on formal validity of wills, (C.D.) 647.

Private street works, notice requiring payment of expenses of, fresh plans submitted after, (L.) 206.

Probate:

Estate duty and, (M.) 956.

Evidence of mental incapacity, (P.N.) 494.

Supreme Court (Non-Contentious Probate) Fees Order, 1958, (M.) 127.

Probation:

- Further offence committed while subject to order, (M.) 234.
- Mental treatment, orders requiring, (M.) 234.
- Report on results of, (T.) 781.
- Service, the, (T.) 866, (M.) 880.

Procedure:

- Accused not giving evidence, (L.) 23.
- Application for new tenancy, wrong respondents named in, (L.T.) 463.
- Charging orders on land, (L.) 317, (Corres.) 367.
- Insanity or diminished responsibility: calling of witnesses by prosecution, (L.) 682.
- Limitation of action in respect of occupational disease, (L.) 39.
- Partnership, service of writ against, when partner out of jurisdiction, (C.L.C.) 428.
- Privileges and immunities of barristers and solicitors, suggested codification of, (M.) 584.
- Withdrawal of appearance in Privy Council appeal, (L.) 944.

Public opinion, informed and uninformed, (Corres.) 233.**R****Rating:**

- Appeal from local valuation court, securing right of, (M.) 492.
- Charities, of, committee on, (M.) 91.
- Charities, relief for, (L.) 901.
- Cheque, rates paid by, (M.) 128.
- Drainage Rates Act, 1958, (L.) 945.
- Industrial hereditament: bus reconditioning depot, (C.L.C.) 519, 609.
- Valuation panels, (L.) 408.

Rent restriction:

- Apportionment of rent on statutory determination of tenancy, (L.T.) 394.
- Business protected by Rent Acts, (L.T.) 341.
- Change of user, loss of security of tenure by, (L.T.) 719.
- "Greater hardship" and reasonableness, (L.T.) 244.
- "Greater hardship" test, continuance of, (T.) 111.
- Landlord and Tenant (Temporary Provisions) Act, 1958, pleading claim for possession under, (L.T.) 788.
- Landlord and Tenant (Temporary Provisions) Bill, (L.T.) 302, 484.
- Mortgages, control of, (C.D.) 207.
- Premiums and advance payments of rent, (L.T.) 224, 648, 822.
- Premiums on assignments, (M.) 367.
- Reasonableness of making order for possession, (L.T.) 244.

Rent Act, 1957:

- Combined premises, decontrol of, (L.T.) 431.
- Compensation for improvements, (L.T.) 413.
- "Greater hardship" test, continuance of, (T.) 111.
- Increase of rent on decontrol, tenancy providing for, (L.T.) 498.
- Landlord and Tenant (Temporary Provisions) Act, 1958, pleading claim for possession under, (L.T.) 788.
- Landlord and Tenant (Temporary Provisions) Bill, (L.T.) 302, 484.
- Notice to quit, (L.T.) 119.
- Premiums and advance payments of rent for decontrolled tenancies, restrictions on, (L.T.) 822.
- Rateable value of £30, (Corres.) 28.
- Repair, notice of defects of, may be served at any time, (M.) 880.
- Repairing obligations after decontrol, (M.) 584.
- Repairs, responsibility for, (L.) 767, (M.) 939, (L.T.) 949.
- Repairs, landlord deemed responsible for, (L.) 767.
- "Residence for himself," landlord requiring dwelling-house as, (L.T.) 576.

"Residence," meaning of, (P.D.) 928.**Restrictive trade practices:**

- Abandoned agreements, (M.) 385.
- Notice of condition imposing resale price, (C.L.C.) 627.

Restrictive trade practices (continued):

- Interlocutory applications, (P.N.) 941.
- Pleadings, identification of restrictions in, (P.N.) 864.
- Registration of Restrictive Trading Agreements Order, 1957, (M.) 73.
- Restrictive Practices Court, work of, (T.) 220, (M.) 235, (T.) 314, (M.) 366, (T.) 728, (M.) 795.

Retribution and the war on crime, (L.) 679.**Reviews:**

- Administrative Law, Principles of [Griffith and Street], 692.
- Advocate's Devil, The [Harvey], 248.
- Affiliation Law and Practice (Oyez Practice Notes No. 41) [Wilkinson], 708.
- Affiliation Proceedings [Chislett], 418.
- Annual Practice, 1958 [Burnand, Diamond and Burnett-Hall], 50.
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- Auctioneers' and Estate Agents' Commission, The Law of [Napley], 199.
- Back Duty, Staples on [Hughes], 693.
- Bankruptcy, Williams' Law and Practice in [Hunter], 288.
- Building and Engineering Contracts, The Law Relating to [Creswell], 198.
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- Civil Salvage, Kennedy's [McGuffie], 793.
- Common Calendar, The [Pritchard], 486.
- Company Director, The [Read], 693.
- Company Law, An Introduction to [Hornby], 50.
- Company Law, The Principles of Modern [Gower], 49.
- Conflict of Laws, Dicey's [Morris], 417.
- Constitutional Law of Great Britain and the Commonwealth, The [Phillips], 692.
- Copyright, Copinger and Skone James on the Law of [F. E. Skone James and E. P. Skone James], 653.
- Coroners' Practice [Thurston], 793.
- County Court Practice, 1958, The [Dale, Gregory and Fearn], 418.
- Cricketers and the Law [Goldman], 741.
- Crime, Russell on [Turner], 932.
- Current Law Year Book, 1957, and Current Law Citor, 1947-1957 [Burke, Walsh and Allsop], 435.
- Death Duties, Green's [Harding], 400.
- Death Duties, Hanson's, Second Supplement [Smith], 328.
- Difference in Death, A [Russell], 72.
- District Registry Practice and Procedure, Notes on [Humphreys], 919.
- Divorce and Matrimonial Causes, The Law and Practice of [Tolstoy], 198.
- Divorce Court, The [Binney], 709.
- Divorce Division, Rayden's Practice and Law in the [Wilkinson, Jackson and Colgate], 158.
- Drafting, The Elements of [Piesse and Gilchrist Smith], 400.
- English Bar and Supreme Court Civil Litigation, The [Ormerod], 50.
- Englishman Looks at the Torrens System, An [Ruoff], 328.
- Equity, An Introduction to [Keeton], 248.
- Estate Duty, The Elements of [Beattie], 50.
- Evidence [Cross], 486.
- Family Law [Bromley], 741.
- Family Law [Johnson], 400.
- French Law of Wills, Probate, Administration and Death Duties, The [P. Pellerin and J. Pellerin], 653.
- Handwriting: A National Survey [Piggott], 487.
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- Housing Administration, Swift's [Swift and Shaw], 675.
- Housing Law and Practice, Encyclopaedia of [Lamb], 327.
- Income Tax Principles [Wilson and Carmichael], 328.
- Index to the Statutes in Force, 487.
- Insolvency in South Africa, Mar's Law of [Hockley], 693.
- Jurisprudence [Dias and Hughes], 72.

Reviews (continued):

- Lamberts Choose the Law, The [Thomas], 709.
- Land Registry Practice, A Guide to [Wontner], 919.
- Landlord and Tenant, Foa's General Law of [Heathcote-Williams, Smith, Bernstein and Friday], 49.
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- Legal Aspects of Business, The [Light], 435.
- Licensing Acts, Paterson's [Morton Smith], 50.
- Local Authorities' Powers of Purchase [Wisdom], 709.
- Machinery of Local Government, The [Jackson], 435.
- Magistrate, The [Osborn], 793.
- Markets and Fairs, Pease and Chitty's Law of [Parrish], 418.
- Marriage, Separation and Divorce [Grant], 725.
- Married Women, The Law of [Turner-Samuels], 708.
- Modern Equity [Hanbury], 674.
- Money at Work [Grundy], 793.
- Motor Guide to the Law, The, 934.
- Nationality and Citizenship Law of the Commonwealth and of the Republic of Ireland [Parry], 72.
- Parish Administration [Arnold-Baker], 693.
- Partnership, Principles of the Law of (Underhill) [Hesketh], 653.
- Precedents of Pleadings [Benas, Holt and Collinson], 198.
- Probate, Gibson's [Cockshutt and Coates], 653.
- Probation Service, The [King], 956.
- Probation, The Results of, 956.
- Proof of Guilt, The [Williams], 692.
- Protection from Power under English Law [MacDermott], 725.
- Real Property, The Law of [Megarry and Wade], 675.
- Register of Defunct and Other Companies [Skinner], 741.
- Rent Act up to Date, The [Orange], 741.
- Rent Acts, The Complete Guide to the [Blundell and Wellings], 919.
- Rights of Way, Freeman's [Garner], 653.
- Sanctity of Life and the Criminal Law, The [Williams], 435.
- Solicitors Act, 1957, The [L. J. D. Bunker and P. J. Bunker], 289.
- Solicitors' Clerks' Handbook, The [Gormley and Barker], 288.
- Stephen, Sir James Fitzjames, 1829-1894 [Radzinowicz], 693.
- Stock Exchange Official Year-Book, 1958, The [Skinner], 328, 741.
- Stone's Justices' Manual [Whiteside and Wilson], 487.
- Suspect Documents—Their Scientific Examination [Harrison], 741.
- Taxation of Gifts and Settlements including Pension Provisions, The [Wheatcroft and Franks], 934.
- Torts, Cases on the Law of, [Wright], 793.
- Trade Union Law and Practice [Vester and Gardner], 487.
- Trusts, The Law of [Keeton], 248.
- Wills, Brighthouse's Short Forms of [E. F. George and J. H. George], 158.

Rights of Light, Report of Committee on, (T.) 533, (M.) 549, (C.D.) 554.**Rights of way:**

- Access by public to privately owned land, (L.) 297.
- Survey of: draft maps, etc., prepared, (M.) 145, 312, 514, 921, 957.

Rivers (Prevention of Pollution) Act, 1951, Ministerial consent to proceedings under, (M.) 332.**Road traffic:**

- "Ambulances," vehicle-towing, (M.) 367.
- Automatism, acting in state of, (C.L.C.) 260.

Current Topics, Rent Act Problems and Cases appear separately after the General Index.

Road traffic (continued):

- Brakes, prosecutions in connection with, (M.) 144.
- Compensation for road injuries, (Corres.) 28, 66, 92, 104, 121, 142, 162, 172, (L.) 729, 749, 765, 783.
- Driving licence, no right of appeal against refusal of, (T.) 832, (Corres.) 874.
- Motor Insurers' Bureau, change of address of, (M.) 748.
- Notice of intended prosecution, (L.) 836, (Corres.) 874.
- Overtaking on near side, (Corres.) 856, 954.
- Pedestrian Crossings Regulations, 1954, (M.) 310.
- Penalties for driving offences, (M.) 162.
- Removal of vehicles by police: liability for damage, (M.) 512.
- Report of accident, failure to make, (M.) 252.
- Restricted street, van left in, (L.) 358.
- "Road," driving unlicensed vehicle on, (T.) 780, (M.) 848.
- Traffic regulation orders, (L.) 407.

Rochester Admiralty Court, (Corres.) 932.**S****Sealing of documents**, whether necessary, (L.) 833, (M.) 848.**Shipping:**

- Charterparty, purchasers of ship refusing exercise of third party's rights under, (C.L.C.) 336.
- Letters of credit, time for opening, (C.L.C.) 411.
- Marine insurance policies, "inherent vice" in, (L.) 768.
- Merchant Shipping Acts, no consolidation of, (M.) 848.
- Unseaworthiness and ship classification certificates, (L.) 716.

Slaughterhouses Act, 1958, (L.) 626.**Society of Public Teachers of Law**, Annual Meeting of, (Soc.) 724.**Solicitors:**

- Costs, personal liability for, (T.) 237.
- Financial well-being of, (Corres.) 104, 954.
- Lien of, (T.) 569.
- Staff problems of, (Corres.) 233, 294.
- Wills, attesting, (C.D.) 947.

Solicitors' Law Stationery Society, Ltd.:
Annual report, (M.) 399.**Sound barrier shock-waves**, (C.L.C.) 537.**Stamp duty:**

- Anomalies, (Corres.) 856.
- Contingent obligations or rights, on, (C.L.C.) 868.
- "Dispositions" of trusts, (L.) 574.
- Mortgages of dwelling-houses, on, proposed abolition of, (M.) 848.
- Reduction of, and exemption from, (T.) 275, (L.) 374, 535.
- Settlements, on, avoidance of, (L.) 239.
- Transfer of interests in remainder, on, (C.D.) 261, (Corres.) 294, (T.) 534.

Taxation:

- Appeals against assessments, (M.) 17.
- Companies, two, advantages of forming, (L.) 625.
- Company or partnership, tax saving by, (L.) 114, 131, 150.
- Damages: *British Transport Commission v. Gourley*, (T.) 112, 442, 587, 588, (L.) 763.
- Deserted wife, of, (L.) 443.
- Discretionary and revocable trusts: effect of Finance Act, 1958, (L.) 746.
- Discretionary settlements, settlor's strings on, (L.) 925, 946.
- Dividend stripping, (T.) 295, 314, (L.) 335.
- Dollars, no tax on, (L.) 701.
- Double, relief from: United States, (M.) 814.
- Estate duty, *see* ESTATE DUTY.
- Expenses of purchasing technical books, (M.) 583.
- Explanatory notices, need for more explanation in, (M.) 863.
- Finance Bill, (L.) 356, 373.
- Financial Statement, 1958-59, extracts from, (M.) 289.
- Gift of company shares to company itself, (L.) 315.
- Legal profession and tax practice, (L.) 316.
- Private investment companies, (L.) 517.
- Royalties payments, of, Anglo-French agreement on, (M.) 914.
- Sale of houses, profits from, (L.) 320.
- "Shell" companies, (L.) 667.
- Stamp duty, *see* STAMP DUTY.

Town and country planning:

- Access by public to privately owned land, (L.) 297.
- Advertisement appeals: reports of officers making visits, (M.) 512.
- Central Land Board report, 1957-58, (M.) 680.
- Compensation (Acquisition and Planning) Bill, (L.) 407.
- Development plan procedure, new, (T.) 678.
- Enquiries and reports, (M.) 144, (L.) 409.
- Planning enforcement notices, (L.) 40.

Town and country planning (continued):

- Suggestions for reform, (L.) 713.
- Town and Country Planning Bill, (T.) 815, (L.) 817, 834, 851.

Trade dispute:

- Compulsory arbitration, end of system of, (L.) 799.
- Disqualification of film exhibitor by trade association, (C.L.C.) 645, (Corres.) 743.

Trade union, contract negotiated by, (C.L.C.) 151.**Trading Representations (Disabled Persons) Act, 1958**, (L.) 892.**Tribunals and Inquiries Bill**, (L.) 426.
Council on Tribunals, (M.) 920.**Trusts:**

- Advancement, power of, (C.D.) 168, 520.
- Charities, *see* CHARITIES.
- Discretionary and revocable: effect of Finance Act, 1958, (L.) 746.
- Discretionary settlements, settlor's strings on, (L.) 925, 946.
- Loans to local authorities as trustee investments, (T.) 712.
- Premium bonds as trustee investments, (M.) 492.
- Public Trustee, duties of, (M.) 163.
- "Statutory," the, (L.) 44, 222.
- Variation of, (L.) 58, (C.D.) 735.
- Vendor's trusteeship, limits of, (L.) 592.

U**United States:**

- Double taxation agreement with, (M.) 814.
- Glance at the law in, a, (L.) 681.

W**Water:**

- Property owner's rights to, (L.) 445.
- Water Act, 1958, (L.) 945.

Way, rights of, *see* RIGHTS OF WAY.**Wills:**

- Attesting witness's remuneration, (C.D.) 947.
- "Furniture," meaning of, (P.D.) 768.
- "Money," meaning of, (P.D.) 685.
- Multiple and notional deaths, (L.) 221.
- National Wills Registry, proposal for, (L.) 886.
- Private international law as to formal validity of, (C.D.) 647.
- Probate, *see* PROBATE.
- Specific devise of interest charged with payment of money, (C.D.) 804.

CURRENT TOPICS

- Abortion, 660.
- Accountants in trouble, 728.
- Addresses, unwieldy, 832.
- Administration of Justice (Amendment) Bill, 849.
- Advanced Legal Studies, Institute of, 113.
- Agriculture Bill, 183.
- American Bar Association's programme of public relations, 256.
- American "Law Day," 315.
- Animals:
 - Cats, law as to, 388.
 - Dog, assault by, 276.
 - Dogs, destruction of, 642, 943.
 - Dogs not on leads in Slough, 624.
 - Highway, on, 352.
 - Mynah, whistling and singing nuisance by, 780.
 - Rabbits, control of, 314.
- Arbitration, proposed court of, 113.
- Articled clerks, payment of, 19.
- Artificial insemination, 37, 166.
- Atkinson, Sir Edward Tindal, 20.
- Atomic energy, *see* NUCLEAR ENERGY.

- Bank Rate, lowering of, 220.
- Bank Rate Tribunal, report of, 75, 76.
- Bankruptcy: contributing to insolvency by gambling, 130.

- Bankruptcy, decline in, 370.
- Bar, Annual Statement of, for 1957, 460.
- Barristers, compulsory pupillage for newly called, 728.
- Birkett, Sir Norman, barony of, 20.
- Birthday legal honours, 423.
- Bodkin, Sir Archibald, 20.
- Breach of promise by infant, 352.
- Building Societies' Association, Annual Meeting of, 369.
- Building societies in 1957, Report of Chief Registrar of Friendly Societies on, 369.
- Building society, new form of deposit introduced by, 56.

Canadian law society's programme of public relations, 517.

- Cats, law as to, 388.
- "Champagne," meaning of, 885.
- Change of Christian name, 478.
- Charities:
 - Gifts *inter vivos*, Estate Duty Office opinion as to charitableness of, 516.
 - Mixed purpose bequests, 884.
 - Recreational Charities Bill, 3.
- Cheque, payment of wages by, 678, 849.
- Cheques Act, 1957, 19, 220.

- Children:
 - Care of, in divorce, 94.
 - Chastisement of, 606.
 - Children Bill, 148.
 - Family provision, child of former marriage seeking, 296.
 - Ingleby Committee on, recommendations to, 313, 442, 460, 496, 534, 660.
 - "Legal kidnapping" of, 371.
 - Legitimacy Bill, 831.
 - Parent's view, a, 257.
- Church hall, unlicensed performance of pantomime in, 238.
- Civil Judicial Statistics, 406.
- Common Land, Report of Royal Commission on, 533.
- Commons, House of, efficiency of, 93, 94.
- Common law rule, 2.
- Compensation:
 - Acquisition of land, for, 129, (Corres.) 162, (T.) 352, 388, 678, 815.
 - Disturbance, for, expenses of finding and buying house as, 406.
 - Fund, the, 495.
 - General Claims Tribunal, passing of, 781.
 - Violence, of victims of, 333.
- "Compensationitis," 405, 406.
- Contempt of court, difficulties of Press as to, 570.
- Contempt of court, proposed right of appeal as to, 534.

- Contract for sale, claim for rescission of, where insulation in walls infested with moths, 798.
- Contract for sale, memorandum or note of, 606.
- Contract frustrated by closing of Suez Canal, 552.
- Contracts by public authorities, 257.
- Costs :
- "Contentious" and "non-contentious" business distinguished, 884.
 - County Court Fees (Amendment) Order, 1958, 746.
 - Fixed, in county courts, 111.
 - Lease, on grant of, 351, 534.
 - Local authorities, on sales to, 20.
 - Solicitor's personal liability for, 237.
 - Supreme Court Fees (Amendment) Order, 1958, 94.
 - Supreme Court (Non-Contentious Probate) Fees Order, 1958, 94.
 - Wife, of, paid by woman named in judicial separation, 112.
- County Court Fees (Amendment) Order, 1958, 746.
- County Courts Bill, 849.
- County courts, fixed costs in, 111.
- Credit squeeze, end of?, 496.
- Criminal law :
- Appellate system, the, 696.
 - Assault by dog, 276.
 - Assault on child with leather strap, 606.
 - Assaults on police officers, 641.
 - Assizes, committal of comparatively trivial cases to, 55.
 - Compensation of victims of violence, 333.
 - Confessions and drugs, 257.
 - Corporal punishment, 477, 745.
 - Court of Criminal Appeal, fiftieth anniversary of, 369.
 - Deterrence, 515.
 - Diminished responsibility, defence of, to charge of murder, 57, 76.
 - Ducking stool, use of, 660.
 - Fines, out-of-date, 184.
 - First Offenders Bill, 333.
 - Hastening death, 459.
 - Hire-Purchase and Credit Sale Agreements (Control) Order, criminal liability under, 314.
 - Homosexual Offences and Prostitution, Report of Committee on, 185, 746, 865.
 - Interdepartmental Committee on Business of Criminal Courts, 678.
 - Juvenile crime, 313, 442, 460, 496, 534, 660.
 - Litter Act, 1958, 605.
 - Marxist methods, 660.
 - Mynah, whistling and singing nuisance by, 780.
 - Obscene Publications, Select Committee on, 237, 371.
 - "Offensive weapon," carrying, 570.
 - Preliminary proceedings, reports of, 166, 442.
 - Prison statistics, 642.
 - Prisons, education in, 745.
 - Prisons, Lords debate on, 314.
 - Prisons, working in, 3.
 - Prize fighting, 696.
 - Probation, report on results of, 781.
 - Probation service, the, 866.
 - Prostitutes, young, second chance for, 728.
 - Reform, Dr. Glanville Williams on, 696.
 - Research, criminological, 552, 797.
 - Search, power of, 94.
 - Statutory offences, 695.
 - Suicide and insurance, 130.
 - Suicide, law relating to, 387, 551.
 - Witness's expenses, claim for, against police superintendent, 695.
- Croom-Johnson, Sir Reginald, 2.
- Crown copyright, restatement of policy on, 370.
- Damages :
- Grief, for injurious, 334.
 - Loss of expectation of life, for, 93.
 - Personal injury cases, in, 202.
- Taxation : *British Transport Commission v. Gourley*, 112, 442, 587, 588.
- Widow, awarded to, control of, 2, 477.
- Davies, Q.C., Mr. H. E. 20.
- Deaf mutes, interpreting for, 884.
- Defaming the dead, 148, 884.
- Development plan procedure, new, 678.
- Divorce :
- Adultery discovered after decree absolute, 184.
 - Adultery, infant's admission of, 148.
 - Children, care of, 94.
 - Condonation and revival, 388.
 - Cruelty and refusal of sexual intercourse, 478.
 - Expediting, to effect legitimacy of child, 334.
 - Fish and chips and pancakes, wife's alleged addiction to, 166.
 - Matrimonial Causes (Amendment) Rules, 1958, 923.
 - Mohamedan, recognition of, 257.
- Dogs, *see* ANIMALS.
- Donovan, Mr. Justice, summing up of, in "Brighton trial," 370.
- Drunkenness, symptoms of, booklet on, 424.
- Ducking stool, use of, 660.
- Education, legal, 113, 184, 712.
- Elwes, Q.C., Mr. R. E. A., 20.
- Emergency Laws (Repeal) Bill, 798.
- Estate duty :
- Commorientes* rule, 2.
 - Gifts *inter vivos*, Estate Duty Office opinion as to charitableness of, 516.
 - Life policies, extra-statutory concession as to, 352.
- Estates Gazette*, 334.
- Exchange control : remittances abroad, 798.
- Expenses of witness, claim for, against police superintendent, 695.
- Factories Bill, 798.
- Factories : proposed restriction of employers' liability, 38.
- Family Allowances and National Insurance Bill, 849.
- Family provision, child of former marriage seeking, 296.
- Fatal Accidents Bill, 831, 924.
- Friendly Societies, Report of Chief Registrar of, on building societies in 1957, 369.
- Fry, Miss Margery, 313.
- Gaming on licensed premises, 641.
- Goddard, Lord, 605, 623.
- Grief, injurious, damages for, 334.
- Harvey v. Crawley Development Corporation*, 406.
- Hertfordshire Law Society, seventy-fifth birthday party of, 315.
- Hewson, Mr. Joseph Bushby, 711.
- Hire-Purchase and Credit Sale Agreements (Control) Order, criminal liability under, 314.
- Hire-purchase and hiring controls revoked, 780.
- Holme, Sir Randle, 1.
- Hospital purposes, land transactions for, 388.
- Hot-water bottles, defective, 850.
- House prices, 76, 642.
- House purchase :
- Encouragement of, 459, 727.
 - House Purchase and Housing Bill, 883.
 - Pitfalls of, magazine article on, 711.
 - White Paper on, 797, 815, 816.
- Husband and wife :
- Adultery discovered after maintenance order made, 184.
 - Artificial insemination, 37, 166.
 - Divorce, *see* DIVORCE.
 - Epilepsy, nullity on ground of ignorance of, 606.
 - Infant's marriage, validity of, 746.
 - Maintenance Orders Act, 1958, commencement of, 924.
 - Matrimonial Causes (Amendment) Rules, 1958, 923.
 - Wedding feast, footing the bill for, 762.
 - Woman named in judicial separation, wife's costs paid by, 112.
- Industrial accidents : proposed restriction of employers' liability, 38.
- Infants :
- Admissions of adultery by, 148.
 - Breach of promise by, 352.
 - Infants Relief Act, case for amending, 130.
 - Marriages of, validity of, 746.
 - Wills made by, on "actual military service," 220.
- Inflation, 147, 165.
- Inheritance (Family Provision) Act, 1938, child of former marriage seeking order under, 296.
- Injured persons, compensation claims causing neurosis in, 405, 406.
- Injurious grief, damages for, 334.
- Inner Temple Library, opening of new, 315.
- Insurance :
- Acceptance of liability, 38.
 - Extra-statutory concession as to life policies and estate duty, 352.
 - Motor premiums, 478.
 - Nuclear Installations (Licensing and Insurance) Bill, 798.
 - Suicide, 130.
 - Interest on clients' money, 256, 780.
- Judicial Committee Rules, 1957, 76.
- Juries in personal injury cases, 202.
- Jury trial, suggested denial of, to allegedly drunken drivers, 388.
- Kilmuir, Lord, in Canada, 56.
- Land Powers (Defence) Act, 1958, 76.
- Registration of wayleave orders, etc., 606.
- Land Registry, Chief Land Registrar's Report on, 1957-58, 624.
- Land Registry practice, booklet on, 424.
- Landlord and Tenant (Furniture and Fittings) Bill, 923.
- Landlord and Tenant (Temporary Provisions) Act, 1958, booklet on, 588.
- Landlord and Tenant (Temporary Provisions) Bill, 255, 478.
- Law as a career, booklet on, 94.
- Law Reform Committee, 257, 587.
- Law reform, speeding up, 20.
- Law reform, value of, 219.
- Law Society :
- Annual Conference of, 712.
 - Annual Report of Council of, 442.
 - Compensation Fund, the, 495.
 - Membership of, fall in, 443.
 - Secretary's knighthood, 1.
 - Young Members' Committee, 423.
- Lawyers who forsake the law, 712.
- Lease, costs on grant of, 351, 534.
- Legal aid :
- Financial limits of, raising, 441.
 - Fraudulent claims, 220.
 - Legal advice, 423, 441, 495, 515, 677, 883.
 - Legal Aid and Advice Act, 1949, ss. 21-23, implementation of, 405, 442.
 - "Panorama" looks at, 370.
- Pensions appeals, for, 113.
- Legitimacy Bill, 831.
- Licensing :
- Gaming on licensed premises, 641.
 - Notice to licensed persons and clubs of conviction of habitual drunkard, 832.
 - Piers, of, 112.
 - Suspension of order against club until appeal heard, 166.
- Lien, solicitor's, 569.
- Life policies and estate duty : extra-statutory concession, 352.
- Light, Rights of, Report of Committee on, 533.
- Limitation : concealment of right of action, 256.
- Litigation, decline in, 255.
- Litigation figures, 406.
- Litter Act, 1958, 605.
- Local authorities :
- Contracts by, 257.
 - Costs on sales to, 20.
 - Loans by, with variable rates of interest, 113.
 - Loans to, as trustee investments, 712.
- Lord Chief Justice, appointment of Lord Justice Parker as, 659.
- Lord Chief Justice, retirement of Lord Goddard from office of, 605, 623.
- Loss of expectation of life, damages for, 93.
- Lund, C.B.E., Mr. T. G., knighthood of, 1.
- Magistrates' courts :
- Assizes, committal of comparatively trivial cases to, 55.
 - First Offenders Bill, 333.
 - Gambling and drink, attempts to reform addicts of, 832.
- Licensing, *see* LICENSING.
- Magistrates' Courts Act, 1957, s. 1, 424.
- Preliminary proceedings, reports of, 166, 442, 551.
- Saturday sittings in, 588.
- Sentences, wide variations in, 296.
- Magna Carta and the U.S.A., 38.
- Makarios, Archbishop, 424.

Manchester and Salford Poor Man's Lawyer Association, 38.
Maritime law, conference on, 334.
Master's liability for negligent acts of servant, 443.
Maugham, Viscount, 219.
Memorandum or note of contract for sale of land, 606.
Mental defectives, care of, 56.
Mental Deficiency Acts, orders under, 276.
Mental illness and detention, 185.
Merriman, Lord, 727.

Negligence:

Master's liability for negligent acts of servant, 443.
Ship colliding with lock in avoiding pier-master in water, 516.
Solicitors, of, in concealing right of action, 256.
Tobacco manufacturers, claim against, in respect of lung cancer, 238.
Neurosis, traumatic, 405, 406.
Nuclear energy:
Electricity from, 75.
Nuclear Installations (Licensing and Insurance) Bill, 798.
Radioactive capsule, burns from, 238.
Reactors, injuries caused by, 130.

Offices Regulation Bill, 3.

Oliver, Mr. Justice, 3.
Oxford Lawyer, The, 424.

Parker, Lord Justice, 659.
Parliamentary privilege, 496.
Pensions appeals, legal aid for, 113.
Pensions: White Paper on "Provision for Old Age," 761, 762.
Prison statistics, 642.
Prisons, education in, 745.
Prisons, Lords debate on, 314.
Prisons, working in, 3.
Private International Law Committee's report on validity of wills, 569.
Prize fighting, 696.
Probate: Supreme Court (Non-Contentious Probate) Fees Order, 1958, 94.
Probation, report on results of, 781.
Probation service, the, 866.
Public authorities, contracts by, 257.
Public enquiries, 166.
Public relations, American Bar Association's programme of, 257.
Public relations, Law Society of Upper Canada's programme of, 517.

Queen's Speech, the, 779, 780.

Rabbits, control of, 314.
Racial disturbances, 659, 677.
Rating:
Advancement of "social welfare," 762.
Recreational Charities Bill, 3.
Reasonably reasonable man, the, 866.
Receipts, 19, 220.
Recreational Charities Bill, 3.
Registration of title and home ownership, 727.

Rent Act, 1957:

Antedating new tenancy on decontrol, 184.
"Greater hardship" test, continuance of, 111.
Landlord and Tenant (Temporary Provisions) Act, 1958, booklet on, 588.
Landlord and Tenant (Temporary Provisions) Bill, 255, 478.
Possession, threat to landlords recovering, 147, 165.
Removal of protection from tenants, 129.
"Rent Act in Practice," The, 517.
Rent Restrictions (Amendment) Rules, 1958, 623.
Rescission of contract for sale, claim for, where insulation in walls infested with moths, 798.
Resignation of Mr. Thorneycroft and others, 37.
Restrictive Practices Court, progress of cases referred to, 220, 314.
Restrictive Trade Practices Act, 1956, privilege in proceedings under, 516.
Restrictive trading agreements, initiation of proceedings as to, 728.
Rights of Light, Report of Committee on, 533.
Road traffic:
Automatism, 2.
"C" licence needed by musician carrying double-bass, 534.
Commission on use of roads, suggested, 642.
Damages for injurious grief, 334.
Disqualification: "guilty" plea by letter, 334.
Dogs not on leads in Slough, 624.
Driving licence, no right of appeal against refusal of, 832.
Drunkness, symptoms of, booklet on, 424.
Hand signals, 588.
Insurance premiums, 478.
Jury trial, suggested denial of, to allegedly drunken drivers, 388.
Notice of intended prosecution, 334, 780.
Radar speed tests, 56.
"Road," driving unlicensed vehicle on, 780.
Road Transport Lighting (Amendment) Act, 1958, 370.
Stop, duty to, 866.
Rock 'n' roll, judicial definition of?, 460.
Rules of the Supreme Court (No. 2), 1958, 570.
Rules of the Supreme Court (No. 3), 1958, 943.

Sale of goods: implied condition as to fitness for purpose, 850.
Sausage, origin of meat in, 257.
Sea, conference on law of, 334.
Service of judgment summons at 11.30 p.m., personal injuries action following, 276.
Serviceman, infant, will made by, on "actual military service," 220.
Share transfer form, simpler, 728.
Ship colliding with lock in avoiding piermaster in water, 516.
Shop in "holiday resort" trading on Sunday, 866.
Shop, mobile, trading on Sunday, 496.
Society of Public Teachers of Law, annual meeting of, 695, 696.
Solicitors:
Absence from court of, 202, 351.
Ceremony at which certificates received by, 202.
Concealment of right of action by, 256.
Co-operation with court, 295.

Solicitors (continued):

Costs, personal liability for, 237.
Employed, tax relief for, 315, 816.
Interest on clients' money, 256, 780.
Lien of, 569.
Recruiting, 866.
Will of own parent or wife, preparing, 624.
Stamp duty on short leases, 816.
Stamp duty on transfer of interests in remainder, 534.
Strike, lawyers on, 276.
Students, advice to, 712.
Suez Canal, contract frustrated by closing of, 552.
Sunday observance, 202.
Supreme Court Fees (Amendment) Order, 1958, 94.
Supreme Court (Non-Contentious Probate) Fees Order, 1958, 94.
Taxation:
Budget, the, 56, 275, 295, 314, 315.
Damages: *British Transport Commission v. Gourley*, 112, 442, 587, 588.
Dodging, 387.
Employed solicitors, relief for, 315, 816.
Huntsman, gifts of money to, 185, 460.
Interest on clients' money retained by solicitor, of, 780.
Recreational Charities Bill, 3.
Reform of, 202.
Retrospective legislation, 295, 314.
Transfer of employee to different post, of reimbursement payment made on, 2.

Television, the law as material for, 831.
Temple Church, rededication of, 816.
Theatres Act, 1843: unlicensed performance of pantomime in church hall, 238.
Thesiger, Mr. Justice, 711.
Town and country planning:
Development plan procedure, new, 678.
Doubts about value of, 148.
Town and Country Planning Bill, 815.
Traumatic neurosis, 405, 406.
Tribunals and Inquiries Bill, 201.
Trustee investments, loans to local authorities as, 712.

Van Druten, John, 3.

Wages Bill, 678, 849.
Wayleave orders, registration of, 606.
Wedding feast, footing the bill for, 762.
Widow's damages, control of, 2, 477.
Willatt, Mr. Hugh, 185.
Williams, M.P., Mr. Ronald, 202.
Willmer, Lord Justice, 695.
Wills:
Attestation of, 296, 552.
Infants of, made "on actual military service," 220.
Private International Law Committee's report on validity of, 569.
Publication of, Bill proposing to restrict, 831.
Shuffling of words in, judicial, 924.
Solicitor preparing will of own parent or wife, 624.
Window cleaners, warning, 406.
Witness's expenses, claim for, against police superintendent, 695.
Wrangham, His Honour Judge, 20.

RENT ACT PROBLEMS

Decontrol:

Acceptance of rent after expiry of notice to quit, 691.
"Alternative accommodation," effect on, 246.
Certificate of disrepair preceding, effect of, 246.
Combined premises, 63, 436, 808.
Distress for rent, 451.
Extension of tenancy by acknowledgment of quarter's rent in advance, 843.
Increase of rent provided for in agreement or lease, 12, 27, 673.
New tenancy of decontrolled rooms to protected subtenant in same house, 327.
New tenancy to previous tenant, 27, 62, 417, 826.
Option to renew, 953.
Professional premises, 83.

Decontrol (transitional provisions):

Determination of tenant's right to possession, necessity of, 248, 560.
Distress for rent, 451.
Mortgage, notice to call in, 467.
Notice to determine possession, validity of, 304, 651, 674, 708, 754, 774, 775, 791, 792, 808, 843, 918.
Notice to quit by statutory tenant retaining possession, 287.
Notice to quit, whether tenant's letter constituting, 377.
Option to continue on yearly tenancy, 580.
Option to renew, effect of exercise of, 691.
Three-year agreements, 212, 451, 542, 560, 616, 707, 722, 742, 754, 774, 826, 953.
Furniture, charge for use of, 157.

Improvement grant, 12, 103, 157, 467, 616.

Landlord and Tenant (Temporary Provisions) Act, 1958:

Calculation of increase of rent, 792.
Date of increase of rent, 722, 791, 809.
New tenancy agreement for less than three years, 774, 808.
"Other appropriate accommodation": no security of tenure, 843.
Termination of tenancy after 6th October, 1958, 707.
Three-year agreement, no offer of, 722, 742.
Three-year agreement, offer of, not accepted, 754, 953.
Mortgage, notice to call in, 467.

Notice of increase:

Annual basis of rent, 157.
Apportionment of gross value, no agreement as to, before service of, 12, (Corres.) 64, (Problem) 105.
Calculation of periodic rent and rates, 212.
Date of increase, 528, 542, 652, 691.
Delay in operation of, 792.
Determination of contractual tenancy by, 742.
Insufficient rent demanded, 673.
Length of, 652.
Local authority fixing rent, 267.
Service of, 157, 528.
Signature of, 493.
Sub-tenant, to, 158.
Tenant holding over, 63.
Variation of terms, 13.
Notice to quit by statutory tenant, length of, 193.
Notice to quit: fixed term tenancy, 580.
Notice to quit served before commencement of Act, length of, 63, (Corres.) 121.
Premiums, 104, 120, 287, 791.

Rating:

Aggregation of rateable values, 398, 873.
Apportionment of gross and rateable values, 194, 723.
Apportionment of gross value, 12, 27, 64, 103, 105.
Assessment based on misunderstanding as to shared rooms, 417.
Change in circumstances, 267, 560, 808.
Date for determination of rateable value, 157.
Increase of gross value, 121, 288, 493.
Increase of rateable value, 598.
Reduction of gross and rateable values, 792.
Reduction of gross value: recovery of overpaid rent, 723, 774.
Reduction of rateable value, 193, 560.
Rent recoverable for basic period to include rates, 212.
Transfer of burden of rates, 743.
Repairs:
Cancellation of certificate of disrepair, partial, 528.
Covenant as to, effect of, on liability, 917.
Date of notice of proposal to issue certificate of disrepair, 27.

Repairs (continued):

Decontrol, effect of certificate of disrepair preceding, 246.
Fire, damage by, 327.
Housing Repairs and Rents Act, 1954, certificate of disrepair under, 529.
Internal, election as to: reversal of decision, 378.
Internal, necessitated by landlord's structural repairs, 378.
Notice of defects bad: proposal to issue certificate of disrepair, 345, 398.
Notice of defects, information to prospective purchaser as to, 542.
Notice of defects, more than one, 83, 774.
Notice of defects not served on landlord but certificate of disrepair issued, 826.
Rent, effect of disrepair on, 267, 304, 344, 416, 529, 596, 691, 742, 754.
Time for application for certificate of disrepair, 754.
Undertaking to repair only some of defects specified: certificate of disrepair in respect of items omitted, 652.
Undertaking to repair, tenant satisfied by partial fulfilment of, 873.

NAMES OF REPORTED CASES

- Abdeen v. Mohamed Thaheer [P.C.], 159.
Adamastos Shipping Co., Ltd. v. Anglo-Saxon Petroleum Co., Ltd. [H.L.], 290.
Adams v. National Bank of Greece and Athens S.A. [Q.B.D.], 251.
Addis v. Odhams Press, Ltd. [C.A.], 453.
Aello, The [C.A.], 527.
Agrimpex Hungarian Trading Company for Agricultural Products v. Sociedad Financiera de Bienes Raices S.A. [C.A.], 527.
Airey v. Airey [C.A.], 489.
Alderman v. Alderman and Dunn [P.D.A.], 126.
Allen, *In re*; Curtis v. Nalder [Ch. D.], 140.
Alliance Building Society v. Pinwill [Ch. D.], 455.
Allsopp's Marriage Settlement Trusts, *In re* [Ch. D.], 489.
American Furist, The, and the Claycarrier [P.D.A.], 510.
Andrews (Infants), *In re*; Sullivan v. Andrews [Ch. D.], 382.
Andrews v. Andrews and Sullivan and Sullivan [P.D.A.], 384.
A.-G. v. Smith [Q.B.D.], 490.
Auten v. Rayner; Auten v. Baker Todman & Co. [C.A.], 935.
B (otherwise S) v. B [P.D.A.], 421.
Bailey v. Ayr Engineering & Constructional Co., Ltd. [C.A.], 363.
Baker v. Hopkins (T. E.) & Son, Ltd. [Q.B.D.], 636.
Baker v. Sims [C.A.], 776.
Baker (G. L.), Ltd. v. Medway Building and Supplies, Ltd. [C.A.], 877.
Baksh v. R. [P.C.], 228.
Barber v. Manchester Regional Hospital Board [Q.B.D.], 140.
Bathavon Rural District Council v. Carlile [C.A.], 230.
Baume & Co., Ltd. v. A. H. Moore, Ltd. [C.A.], 329.
Baxter v. Stockton-on-Tees Corporation [C.A.], 562.
Baylis Baxter, Ltd. v. Sabbath [C.A.], 347.
Beardmore Motors, Ltd. v. Birch Bros. (Properties), Ltd. [Ch. D.], 419.
Beer v. Davies [Q.B.D.], 383.
Bernard v. Bernard (Sutton cited) [P.D.A.], 937.
Betty's Cafés, Ltd. v. Phillips Furnishing Stores, Ltd. [H.L.], 228.
Birch v. County Motors and Engineering Co., Ltd. [C.A.], 632.
Birmingham, *In re*; Savage v. Stannard [Ch. D.], 454.
Blakeley v. C. & H. Clothing Co. [Q.B.D.], 232.
Bosley v. Bosley [C.A.], 437.
Bowen v. Bowen [P.D.A.], 308.
Braithwaite v. South Durham Steel Co., Ltd. [Q.B.D.], 655.
British Imex Industries, Ltd. v. Midland Bank, Ltd. [Q.B.D.], 69.
British Land Co., Ltd. v. Herbert Silver (Menswear), Ltd. [C.A.], 230.
Brown v. Raphael [C.A.], 269.
Brownsea Haven Properties, Ltd. v. Poole Corporation [C.A.], 84.
Bullock v. Unit Construction Co., Ltd. [Ch. D.], 654.
Burch v. Burch [P.D.A.], 308.
Burgess v. Burgess [P.D.A.], 402.
Byatt v. Byatt [P.D.A.], 15.
Byrne v. Kinematograph Renters Society, Ltd. [Ch. D.], 509.
C (an Infant), *In re* [Ch. D.], 582.
Cade v. British Transport Commission [H.L.], 508.
Caister-on-Sea, *In re* Parish of [Norwich Consistory Court], 197.
Carapanyoti & Co., Ltd. v. E. T. Green, Ltd. [Q.B.D.], 620.
Carson (Inspector of Taxes) v. Cheyney's Executor [H.L.], 955.
Castiglione, Erskine & Co., Ltd., *In re* [Ch. D.], 454.
Castiglione's Will Trusts, *In re*; Hunter v. Mackenzie [Ch. D.], 176.
Cattan (L. E.), Ltd. v. A. Michaelides & Co.; Turkie, third party; George (Trading as Yarns & Fibres Co.), fourth party [Q.B.D.], 470.
Chappell & Co., Ltd. v. Nestlé Co., Ltd. [C.A.], 270.
Chemists' Federation Agreement (No. 2), *In re* [Restrictive Practices Court], 861.
Chick v. Commissioner of Stamp Duties [P.C.], 488.
City and Westminster Properties (1934), Ltd. v. Mudd [Ch. D.], 582.
Clear v. Clear [C.A.], 306.
Clueit v. Clueit [P.D.A.], 307.
Cole, *In re*; Westminster Bank, Ltd. v. Moore [C.A.], 618.
Collier (W.), Ltd. v. Fielding (Valuation Officer) [C.A.], 215.
Colman, *In the Estate of* [P.D.A.], 292.
Commissioners of Customs and Excise v. Jack Bradley (Accrington), Ltd.; Same v. Bradley [Q.B.D.], 846.
Compania Crystal de Vapores of Panama v. Herman & Mohatta (India), Ltd. [Q.B.D.], 471.
Cooper (a Bankrupt), *In re*; *ex parte* The Trustee v. Registrar and High Bailiff of Peterborough and Huntingdon County Courts [Ch. D.], 635.
Corke v. Corke and Cook [C.A.], 68.
Costagliola v. Bunting [Q.B.D.], 364.
Coutts & Co. v. Duntroon Investment Corporation, Ltd. [Ch. D.], 69.
Cox v. Cox [P.D.A.], 217.
Craddock v. Hampshire County Council [C.A.], 137.
Cross v. Edney [C.A.], 68.
Cusack-Smith v. Gold [Q.B.D.], 420.
Cutcliffe's Estate, *In re*; Le Duc v. Veness [C.A.], 915.
D (an Infant), *In re* [C.A.], 138.
Davie v. New Merton Board Mills, Ltd. [C.A.], 14.
Davies v. Price [C.A.], 290.
Deacock v. Deacock [C.A.], 526.
Debtor, *In re* (No. 472 of 1950); *ex parte* Swirsky [C.A.], 173.
Denning, *In the Estate of* [P.D.A.], 293.
Dinizulu v. A.-G. [Q.B.D.], 879.
Director of Public Prosecutions v. Head [H.L.], 249.
Director of Public Prosecutions v. Nieser [Q.B.D.], 955.
District Bank, Ltd. v. Webb [Ch. D.], 107.
Donaldson v. Donaldson [P.D.A.], 548.
Dunlop Rubber Co., Ltd. v. Longlife Battery Depot (a firm) [Ch. D.], 654.
Eastbourne Corporation v. Fortes Ice Cream Parlour (1955), Ltd. [Q.B.D.], 365.
Edwards v. Edwards [P.D.A.], 402.
Eke Oja v. Kanu Ukpai [P.C.], 106.
El Sombrero, Ltd., *In re* [Ch. D.], 601.
Escoigne Properties, Ltd. v. Inland Revenue Commissioners [H.L.], 159.
Espresso Coffee Machine Co., Ltd. v. Guardian Assurance Co., Ltd. [Ch. D.], 601.
Ewart v. Ewart [P.D.A.], 861.
Fatstock Marketing Corporation, Ltd. v. Morgan (Valuation Officer) [C.A.], 215.
Fawcett Properties, Ltd. v. Buckingham County Council [Ch. D.], 859.
Fehmarn, The [C.A.], 123.
Fick & Fick, Ltd. v. Assimakis [C.A.], 632.
Filby Bros. (Provender), Ltd., *In re* [Ch. D.], 454.
Fomento (Sterling Area), Ltd. v. Selsdon Fountain Pen Co., Ltd. [H.L.], 51.
Fraser, *In re*; Leach v. Public Trustee [Ch. D.], 33.
Fry v. Inland Revenue Commissioners [Ch. D.], 271; [C.A.], 617.
Fynn v. Inland Revenue Commissioners [Ch. D.], 381.
Fyson v. Buckinghamshire County Council [Q.B.D.], 420.
Gilbert v. Gilbert and Abdon (Adams intervening) [P.D.A.], 15.
Gillingham Bus Disaster Fund, *In re*; Bowman v. Official Solicitor [C.A.], 581.
Goddard v. Minister of Housing and Local Government [Q.B.D.], 860.
Gold v. Patman & Fotheringham, Ltd. [C.A.], 470.
Goodyear Tyre and Rubber Co. (Great Britain), Ltd. v. Lancashire Batteries, Ltd. [Ch. D.], 453; [C.A.], 581.
Gorfin v. Odhams Press, Ltd. [C.A.], 195.
Gorulnick v. Gorulnick [C.A.], 32.
Gough v. National Coal Board [C.A.], 306.
Grace Rymer Investments, Ltd. v. Waite [Ch. D.], 86; [C.A.], 600.

- Graham v. C. E. Heinke & Co. Ltd. [Q.B.D.], 108; [C.A.], 936.
- Granada Theatres, Ltd. v. Freehold Investments (Leytonstone), Ltd. [Ch. D.], 563.
- Grech v. Odhams Press, Ltd. [C.A.], 453.
- Green (a Bankrupt), *In re*; *ex parte* The Trustee [C.A.], 269.
- Green v. Fibreglass, Ltd. [Q.B.D.], 472.
- Green v. Green and Partridge [P.D.A.], 812.
- Green v. Russell; McCarthy, third party [Q.B.D.], 620.
- Grey v. Inland Revenue Commissioners [Ch. D.], 84; [C.A.], 469.
- Griffin v. Squires [Q.B.D.], 828.
- Grimthorpe, *In re* [Ch. D.], 231.
- Guinness Trust (London Fund) Founded 1890 Registered 1902 v. West Ham Borough Council [Q.B.D.], 364.
- Hamilton v. West Sussex County Council [Q.B.D.], 364.
- Hamilton-Snowball's Conveyance, *In re* [Ch. D.], 401.
- Hamzeh Malass & Sons v. British Imex Industries, Ltd. [C.A.], 68.
- Hanak v. Green [C.A.], 329.
- Hardie v. Frediani [C.A.], 195.
- Harewood Hotels, Ltd. v. Harris [C.A.], 67.
- Hargreaves v. Bretherton [Q.B.D.], 637.
- Harvey v. R. G. O'Dell, Ltd.; Galway, third party [Q.B.D.], 196.
- Hasham v. Zenab [P.C.], 857.
- Haslip, *In the Estate of* [P.D.A.], 366.
- Hastings, *In re* [Q.B.D.], 232.
- Hastings, *In re* (No. 2) [Q.B.D.], 936.
- Havant and Waterloo Urban District Council v. Norum [C.A.], 470.
- Haynes v. Qualcast (Wolverhampton), Ltd. [C.A.], 138.
- Hazel v. British Transport Commission [Q.B.D.], 124.
- Heaven & Kesterton, Ltd. v. Sven Widæus A/B [Q.B.D.], 161.
- Hicks v. British Transport Commission [C.A.], 307.
- Hill v. Baxter [Q.B.D.], 53.
- Hillier v. Hillier and Latham [C.A.], 381.
- Hochstrasser (Inspector of Taxes) v. Mayes [Ch. D.], 419; [C.A.], 546.
- Holland v. Ong [C.A.], 176.
- Holmes v. Keyes [Ch. D.], 231; [C.A.], 329.
- Holmes Road, Kentish Town (Nos. 55 and 57), *In re* [Ch. D.], 419.
- Horace Plunkett Foundation v. St. Pancras Borough Council [Q.B.D.], 33.
- Hudson's Bay Co. v. Thompson (Valuation Officer) [C.A.], 634.
- Hughes v. Hughes [P.D.A.], 383; [C.A.], 654.
- Ian Stach, Ltd. v. Baker Bosley, Ltd. [Q.B.D.], 177.
- Iddenden (otherwise Brains) v. Iddenden [P.D.A.], 759.
- Income Tax Special Commissioners v. Linsleys (Established 1894), Ltd. [H.L.], 122.
- Independent Order of Oddfellows Manchester Unity Friendly Society v. Manchester Corporation [C.A.], 857.
- Independent Television Authority and Associated-Rediffusion, Ltd. v. Inland Revenue Commissioners [Ch. D.], 635.
- Inland Revenue Commissioners v. Brancepeth Coal Co., Ltd. (In Liquidation) [C.A.], 346.
- Inland Revenue Commissioners v. Racecourse Betting Control Board [Ch. D.], 85; [C.A.], 468.
- Inland Revenue Commissioners v. Ramshaw Coal Co., Ltd. (In Liquidation) [C.A.], 346.
- Inland Revenue Commissioners v. South Georgia Co., Ltd. [H.L.], 214.
- Inland Revenue Commissioners v. Whitworth Park Coal Co., Ltd. (In Liquidation) [C.A.], 346.
- Inland Revenue Commissioners v. Wood Brothers (Birkenhead), Ltd. [H.L.], 52.
- Island Tug and Barge, Ltd. v. S.S. *Makedonia* (Owners) [Q.B.D.], 124.
- Jarvis, *In re*; Edge v. Jarvis [Ch. D.], 546.
- Jeffrey v. Kent County Council [Q.B.D.], 620.
- Jennings v. Kinder (Inspector of Taxes) [Ch. D.], 419; [C.A.], 546.
- Jones v. Jones [P.D.A.], 840.
- Joseph v. National Magazine Co., Ltd. [Ch. D.], 602.
- Karachiwalla v. Nanji [P.C.], 794.
- Kelleher v. T. Wall & Sons, Ltd. [Q.B.D.], 547.
- Kemshead v. British Transport Commission [C.A.], 122.
- Kingston v. Kingston (Gilder cited) [C.A.], 123.
- Kitchen v. Royal Air Force Association [C.A.], 363.
- Knight's Question, *In re* [Ch. D.], 291.
- Kofi Forie v. Seifah [P.C.], 31.
- Kores Manufacturing Co., Ltd. v. Kolok Manufacturing Co., Ltd. [C.A.], 362.
- Kruhlak v. Kruhlak [Q.B.D.], 88.
- Kruhlak v. Kruhlak (No. 2) [Q.B.D.], 401.
- Kuchenmeister v. Home Office [Q.B.D.], 196.
- Lance v. Lance and Gardiner [P.D.A.], 126.
- Last, *In the Estate of* [P.D.A.], 89.
- Leach v. Leach and Harrower [P.D.A.], 88.
- Les Fils Dreyfus et Cie Société Anonyme v. Clarke [C.A.], 173.
- Lewis v. Lewis [C.A.], 306.
- Lilley v. Lilley [P.D.A.], 937.
- Lim Siew Neo v. Pang Keah Swee [P.C.], 31.
- Litherland Urban District Council v. Liverpool Corporation [Ch. D.], 618.
- Lock v. Lock [P.D.A.], 879.
- Loew's Incorporated v. Littler [C.A.], 330.
- London County Council v. Central Land Board [Ch. D.], 330; [C.A.], 935.
- London Export Corporation, Ltd. v. Jubilee Coffee Roasting Co., Ltd. [Q.B.D.], 178; [C.A.], 452.
- London Investment & Mortgage Co., Ltd. v. Worthington (Inspector of Taxes); Same v. Inland Revenue Commissioners [H.L.], 346.
- London Transport Executive v. Betts (Valuation Officer) [H.L.], 544.
- Long v. Lloyd [C.A.], 488.
- Lund v. Thompson [Q.B.D.], 811.
- Lyons v. Central Commercial Properties London, Ltd. [C.A.], 600.
- McDougall v. Aeromarine of Ensworth, Ltd. [Q.B.D.], 860.
- Macfarlane v. Gwalter [C.A.], 123.
- McMorran, *In re*; Mercantile Bank of India, Ltd. v. Perkins [Ch. D.], 138, 164.
- McNeill v. Johnstone [Q.B.D.], 602.
- Makedonia*, The [Q.B.D.], 124.
- Mann (a Debtor), *In re*; *ex parte* the Debtor v. Harrods, Ltd. [Ch. D.], 916.
- Manning v. Manning [P.D.A.], 141.
- Maori Trustee v. Ministry of Works [P.C.], 776.
- Margulies Brothers, Ltd. v. Dafnis Thomaidēs & Co. (U.K.), Ltd. [Q.B.D.], 271.
- Matheson, *In re* [Liverpool Consistory Court], 161.
- Medcalf v. Medcalf [C.A.], 216.
- Metal Recovery and Storage Co., Ltd. v. Buckinghamshire County Council [Q.B.D.], 420.
- Meyer v. Leane [C.A.], 634.
- Miguel Sanchez & Compania S.L. v. *Result* (Owners); Nello Simoni, Ltd., third party [P.D.A.], 292.
- Mohamed Fiaz Baksh v. R. [P.C.], 228.
- Moriarty (Inspector of Taxes) v. Evans Medical Supplies, Ltd. [H.L.], 67.
- Mouat v. Betts Motors, Ltd. [P.C.], 810.
- Moxon's Will Trusts, *In re*; Downey v. Moxon [Ch. D.], 124.
- National Coal Board, *Ex parte* [Ch. D.], 401.
- National Coal Board v. Galley [C.A.], 31.
- National Coal Board v. Gamble [Q.B.D.], 621.
- National Deposit Friendly Society Trustees v. Skegness Urban District Council [H.L.], 526.
- Nelson v. Nelson [C.A.], 599.
- Newman v. Newman [P.D.A.], 34.
- Newton v. Commissioner of Taxation [P.C.], 544.
- Ng v. R. [P.C.], 249.
- Nolan v. Dental Manufacturing Co., Ltd. [Q.B.D.], 619.
- North of England Zoological Society, *In re*; North of England Zoological Society v. Chester Rural District Council [Ch. D.], 915.
- O'Connor v. British Transport Commission [C.A.], 214.
- Ostme (Inspector of Taxes) v. Australian Mutual Provident Society [C.A.], 599.
- Oughtred v. Inland Revenue Commissioners [Ch. D.], 85; [C.A.], 468.
- Parliamentary Privilege Act, 1770, *In re* [P.C.], 380.
- Parojcic (otherwise Ivetic) v. Parojcic [P.D.A.], 938.
- Pawson v. Revell [C.A.], 632.
- Penn v. Gatenex Co., Ltd. [C.A.], 250.
- Perkowski v. Wellington Corporation [P.C.], 794.
- Phillips v. Price [Ch. D.], 827.
- Phoenix Oil and Transport Co., Ltd., *In re* (No. 2) [Ch. D.], 87.
- Phoenix Timber Co., Ltd.'s Application, *In re* [C.A.], 231.
- Piotrowska v. Piotrowski [C.A.], 527.
- Piper v. Harvey [C.A.], 174.
- Ponticelli v. Ponticelli (otherwise Giglio) (by her Guardian) [P.D.A.], 178.
- Port Line, Ltd. v. Ben Line Steamers, Ltd. [P.D.A.], 232.
- Potato Marketing Board v. Merricks [Q.B.D.], 510.
- Prescott (formerly Fellows) v. Fellows [P.D.A.], 271; [C.A.], 581.
- Price v. Humphries [Q.B.D.], 583.
- Prudential Assurance Co., Ltd. v. National Bank of Greece and Athens S.A. [Q.B.D.], 251.
- Pteroti Compania Naviera S.A. v. National Coal Board [Q.B.D.], 216.
- Public Trustee v. Inland Revenue Commissioners [Ch. D.], 177; [C.A.], 527.
- Pye-Smith v. Inland Revenue Commissioners [Ch. D.], 601.
- Pyx Granite Co., Ltd. v. Ministry of Housing and Local Government [C.A.], 175.
- R. v. Adair [Cr. A.], 510.
- R. v. Ayu [Cr. A.], 917.
- R. v. Bastian [Central Criminal Court], 272.
- R. v. Chapman [Cr. A.], 621.
- R. v. Field [Cr. A.], 511.
- R. v. Fitzpatrick [Cr. A.], 511.
- R. v. Governor of Brixton Prison; *ex parte* De Demko [C.A.], 827.
- R. v. Governor of Brixton Prison; *ex parte* Minervini [Q.B.D.], 777.
- R. v. Green [Cr. A.], 233.
- R. v. Hone [Cr. A.], 348.
- R. v. Joyce [Central Criminal Court], 90.
- R. v. Knight [Cr. A.], 511.
- R. v. Lloyd-Jones [Q.B.D.], 828.
- R. v. McCartan [Cr. A.], 621.
- R. v. Mackinnon [Central Criminal Court], 861.
- R. v. Marley [Cr. A.], 491.
- R. v. Matheson [Cr. A.], 309.
- R. v. Medical Appeal Tribunal for North Midland Region; *ex parte* Hubble [Q.B.D.], 471.
- R. v. Medical Appeal Tribunal for South Wales District; *ex parte* Griffiths [Q.B.D.], 348.
- R. v. Minister of Housing and Local Government; *ex parte* Rank Organisation, Ltd. [Q.B.D.], 811.
- R. v. National Insurance (Industrial Injuries) Commissioner; *ex parte* Richardson [Q.B.D.], 563.
- R. v. Nosedá [Cr. A.], 511.
- R. v. Oliver Autos, Ltd. [Cr. A.], 348.
- R. v. Patents Appeal Tribunal; *ex parte* Baldwin & Francis, Ltd. [C.A.], 438.
- R. v. Potter [Q.B.D.], 438.
- R. v. Pritam Singh [Q.B.D.], 88.
- R. v. Richard [Cr. A.], 348.
- R. v. St. Margarets Trust, Ltd. [Cr. A.], 348.
- R. v. Smith [Central Criminal Court], 197.
- R. v. Spriggs [Cr. A.], 89.
- R. v. Vaccari [Cr. A.], 179.
- Racecourse Betting Control Board v. Young (Inspector of Taxes); Same v. Inland Revenue Commissioners [Ch. D.], 85; [C.A.], 468.
- Rands v. Oldroyd [Q.B.D.], 811.
- Rayfield v. Hands [Ch. D.], 348.
- Raymond v. Cook [Q.B.D.], 812.
- Regis Property Co., Ltd. v. Dudley [C.A.], 160, 200; [H.L.], 844.
- Reid v. Thomas Bolton & Sons, Ltd. [C.A.], 174.
- Result*, The [P.D.A.], 292.
- Richards v. Richards [C.A.], 845.
- Richardson's Will Trusts, *In re*; Public Trustee v. Llewellyn Evans' Trustee [Ch. D.], 176.
- Rider's Will Trusts, *In re*; Nelson v. Rider [Ch. D.], 636.
- Riding v. Riding [C.A.], 52.
- Rigby, *Ex parte* [Q.B.D.], 563.
- Rigden v. Whitstable Urban District Council [Ch. D.], 547.

Riverstone Meat Co. Pty., Ltd. v. Lancashire Shipping Co., Ltd. [Q.B.D.], 656.
Ross-Clunis v. Papadopoulos [P.C.], 362.
Royal College of Nursing v. St. Marylebone Borough Council [Q.B.D.], 71.
Royce's Will Trusts, *In re*; Tildesley v. Tildesley [Ch. D.], 859.
Rutherford v. R. E. Glanville & Sons (Bovey Tracey), Ltd. [C.A.], 269.
Rutter v. Sheridan-Young [C.A.], 291.

S (an Infant), *In re* [Ch. D.], 250.
Sage, *In re* [Q.B.D.], 250.
Sahal's Will Trusts, *In re*; Alliance Assurance Co., Ltd. v. A.-G. [Ch. D.], 877.
St. Michael and All Angels, Bishopwearmouth, *In re* [Durham Consistory Court], 862.
Samaratunga v. R. [P.C.], 452.
Samrose Properties, Ltd. v. Gibbard [C.A.], 160.
Sanchez (Miguel) & Compania S.L. v. *Result* (Owners); Nello Simoni, Ltd., third party [P.D.A.], 292.
Sayers v. Harlow Urban District Council [C.A.], 419.
Scala Ballroom (Wolverhampton), Ltd. v. Ratcliffe [C.A.], 758.
Schlesinger v. Schlesinger [P.D.A.], 602.
Scottish Co-operative Wholesale Society, Ltd. v. Meyer [H.L.], 617.
Sebba, *In re*; Lloyds Bank, Ltd. v. Hutson [Ch. D.], 810.
Serene Shoes, Ltd., *In re* [Ch. D.], 777.
Shamia v. Joory [Q.B.D.], 70.
Shell Mex and B.P., Ltd. v. Holyoak (Valuation Officer) [C.A.], 216.
Shipwrecked Fishermen and Mariners' Royal Benevolent Society, *In re* [Ch. D.], 878.
Silkin v. Beaverbrook Newspapers, Ltd. [Q.B.D.], 491.
Silver v. Silver [C.A.], 174.
Simons v. Gale [P.C.], 452.
Simpkin Marshall, Ltd., *In re* [Ch. D.], 878.
Skinner, *In the Estate of* [P.D.A.], 759.

Smith v. Wyles [Q.B.D.], 758.
South African Dispatch Line v. Owners of the Panamanian Steamship *Niki* [Q.B.D.], 916.
Stone v. Boreham [Q.B.D.], 548.
Stone v. Stone [P.D.A.], 938.
Surujpaul v. R. [P.C.], 757.
Sussman (J. & P.), Ltd., *In re* [Ch. D.], 347.

Tacon, *In re*; Public Trustee v. Tacon [C.A.], 53.
Tarnpolsk, *In re*; Barclays Bank, Ltd. v. Hyer [Ch. D.], 857.
Tate v. Swan Hunter & Wigham Richardson, Ltd. [C.A.], 52.
Taylor v. National Assistance Board [H.L.], 14.
Teasdale v. Walker [C.A.], 757.
Tennekoon v. Duraisamy [P.C.], 437.
Thomson (Inspector of Taxes) v. Moyle [Ch. D.], 758.
Tobacco Trade Benevolent Association Charitable Trusts, *In re* [Ch. D.], 827.
Tonkin v. Raven [Q.B.D.], 845.
Transplanters (Holding Company), Ltd., *In re* [Ch. D.], 547.
Triffitt's Settlement, *In re*; Hall v. Hyde [Ch. D.], 382.
Trott, *In re*; Trott v. Miles [Ch. D.], 401.
Tzamburakis v. Rodoussakis [P.C.], 562.

Union-Castle Mail Steamship Co., Ltd. v. United Kingdom Mutual War Risks Association, Ltd. [Q.B.D.], 125.
United Railways of the Havana and Regla Warehouses, Ltd., *In re* [Ch. D.], 106.
Universal Cargo Carriers Corporation v. Citati [C.A.], 509.

Vienit, Ltd. v. W. Williams & Son (Bread Street), Ltd. [Ch. D.], 916.

Walsh v. Holst & Co., Ltd. [C.A.], 545.
Ward v. Ward [P.D.A.], 472.

Warner v. Sampson [Q.B.D.], 107.
Weinbergs Weatherproofs, Ltd. v. Radcliffe Paper Mill Co., Ltd. [Ch. D.], 15.
Wells v. Cooper [C.A.], 508.
Wernick v. Green [Q.B.D.], 70.
Western United Investment Co., Ltd. v. Inland Revenue Commissioners [Ch. D.], 86.
Westminster Bank, Ltd. v. Barford (Inspector of Taxes) [Ch. D.], 270.
Westminster City Council v. London University King's College [Ch. D.], 619.
White, *In re*; McCann v. Hull [Ch. D.], 195.
Whittingham v. Nattrass [Q.B.D.], 637.
Whitworth Art Gallery Trusts, *In re*; Manchester Whitworth Institute v. Victoria University of Manchester [Ch. D.], 87.
Wiggins v. Wiggins (otherwise Brooks) and Ingram [P.D.A.], 656.
Wigram Family Settled Estates, Ltd. (In Liquidation) v. Inland Revenue Commissioners [H.L.], 137.
Williamson v. British Boxing Board of Control (1929) [Q.B.D.], 365.
Wills' Will Trusts, *In re* [Ch. D.], 490.
Wilson v. Thomas [Ch. D.], 270.
Wilson v. Tyneside Window Cleaning Co. [C.A.], 380.
Wilson v. Wilson [P.D.A.], 794.
Wilson Brothers, Ltd. v. Edwards (Valuation Officer) [C.A.], 634.
Wing v. Spring [Ch. D.], 619.
Woodley v. Tersons, Ltd. [Q.B.D.], 656.
Woods v. Martins Bank, Ltd. [Q.B.D.], 655.
Woodward v. Koessler [Q.B.D.], 879.
Working Men's Club and Institute Union, Ltd. v. Swansea Corporation [Q.B.D.], 859.
Wright v. Boyce (Inspector of Taxes) [Ch. D.], 381; [C.A.], 545.

Young (Inspector of Taxes) v. Racecourse Betting Control Board [Ch. D.], 85; [C.A.], 468.

ANALYTICAL INDEX OF REPORTED CASES

Administration:

Administration *pendente lite*: possibility of minority or life interest arising: power to appoint sole administrator [In the Estate of Haslip (P.D.A.)], 366.

Order of application of assets: death duty: Canadian assets: Canadian duties: incidence: expenses of getting in testator's estate: British estate duty credit [In re Sebba; Lloyd's Bank, Ltd. v. Hutson (Ch. D.)], 810.

Payment of debts: property liable: purchase money unpaid on house: specific devise of house: liability as between devisee and residuary legatees [In re Birmingham; Savage v. Stannard (Ch. D.)], 454.

Admiralty:

Practice: appeal: time for appealing: period calculated from date when decree is perfected: decree perfected when settled in Admiralty registry [The *American Jurist* and the *Clavcarrier* (P.D.A.)], 510.

Adoption:

Consent of person liable to maintain: "unreasonably withheld": putative father serving sentence for murder of infant's mother [In re D (an Infant) (C.A.)], 138.

Advancement:

Presumption: husband and wife: purchase of matrimonial home in name of wife [Silver v. Silver (C.A.)], 174.

Agriculture:

Agricultural holding: notice to quit: death of tenant: administratrix of tenant: whether "tenant with whom the contract of tenancy was made" [Costagliola v. Bunting (Q.B.D.)], 364.

Agriculture (continued):

Agricultural holding: notice to quit: interests of efficient farming: duty of tribunal to compare existing régime with that proposed by landlord: jurisdiction of tribunal: appeal: certiorari or case stated [Davies v. Price (C.A.)], 290.

Agricultural marketing: potato: whether power to "enter and inspect" land includes power to measure: whether power improperly exercised: demand for information about potatoes and total arable acreage of farm: whether demand, if partly bad, severable [Potato Marketing Board v. Merricks (Q.B.D.)], 510.

Alien:

Landing or embarkation: airport: alien landing from aircraft at approved port for purpose only of embarking in another aircraft: power of immigration officers to restrict limits or premises within which alien required to remain [Kuchenmeister v. Home Office (Q.B.D.)], 196.

Animal:

Poultry: disease: poultry bought and resold for slaughter: whether "fed" for slaughter [Wernick v. Green (Q.B.D.)], 70.

Arbitration:

Arbitrator: misconduct: trade custom: agreement to arbitrate according to rules of trade association: trade custom that umpire should remain with appeal board in absence of parties [London Export Corporation, Ltd. v. Jubilee Coffee Roasting Co., Ltd. (Q.B.D., C.A.)], 178, 452.

Award: form: implied term that award capable of enforcement: jurisdiction to remit: uncertainty [Margulies Brothers, Ltd. v. Dafnis Thomaidis & Co. (U.K.), Ltd. (Q.B.D.)], 271.

Arbitration (continued):

Costs: discretion of arbitrator: string contract: injudicial exercise of discretion [L. E. Cattam, Ltd. v. A. Michaelides & Co.; Turkie, third party; George (Trading as Yarns & Fibres Co.), fourth party (Q.B.D.)], 470.

Costs: discretion of arbitrator: successful party ordered to pay all costs: whether judicial exercise of discretion: whether judge may consider mistake of law [Heaven & Kesterton, Ltd. v. Sven Widacius A/B (Q.B.D.)], 161.

County court: powers of judge: application to set aside arbitrator's award: scope of judge's discretion [Meyer v. Leanse (C.A.)], 634.

Special case: findings of fact: inference of fact: power of court to draw [Universal Cargo Carriers Corporation v. Citati (C.A.)], 509.

Stay of judicial proceedings: submission to foreign court: both parties stranger to foreign court: refusal to stay [The *Fehmarn* (C.A.)], 123.

Australia:

Revenue: income tax: avoidance: private company: special dividend: share transactions: "arrangement" [Newton v. Commissioner of Taxation (P.C.)], 544.

Australia (New South Wales):

Revenue: death duty: gift: exclusion of donor: gift of grazing property: subsequent use of property by donor and donee under partnership agreement: not "retained to entire exclusion" of donor [Chick v. Commissioner of Stamp Duties (P.C.)], 488.

Author:

Contract to publish article: specific performance: article to be written and printed under author's name: stylistic and factual alterations by editor: refusal by author to allow publication of revised article: whether repudiation by author: submission of alterations by author: whether author entitled to specific performance [Joseph v. National Magazine Co., Ltd. (Ch. D.)], 602.

Banking:

Duty to customer: advice on investment: liability to customer [Woods v. Martins Bank, Ltd. (Q.B.D.)], 655.

Letter of credit: terms of payment: credit payable on presentation of sight drafts accompanied by shipped bills of lading: goods shipped under bills of lading containing clause excusing shipowners from correct delivery unless special conditions as to marking of goods complied with: beneficiaries' right to payment on presentation of "clean" bills of lading [British Imex Industries, Ltd. v. Midland Bank, Ltd. (Q.B.D.)], 69.

Bankruptcy:

Execution: costs: sheriff: execution on goods after receiving order: goods returned: costs of execution [In re Cooper (a Bankrupt); ex parte The Trustee v. Registrar and High Bailiff of Peterborough and Huntingdon County Courts (Ch. D.)], 635.

Inquiry as to debtor's dealings: summons against solicitor: proceedings under R.S.C., Ord. 52, r. 25, for an account against bankrupt's former solicitor and attorney: failure by solicitor to furnish information concerning certain property transactions: no order made: subsequent issue of summons under Bankruptcy Act, 1914, s. 25: whether *res judicata* [In re A Debtor (No. 472 of 1950); ex parte Swirsky (C.A.)], 173.

Receiving order: payment of debt relied on: application for withdrawal of original petition on debt being paid: proceedings adjourned to ascertain position of other creditors: receiving order made without substitution of another petitioner: validity [In re Mann, a debtor; ex parte the Debtor v. Harrods, Ltd. (Ch. D.)], 916.

Barrister:

Fees: leading counsel: issue one of quantum of damages only: disallowance of costs of leading counsel: objection to taxation: taxing master's discretion [Gorfin v. Odhams Press, Ltd. (C.A.)], 195.

Bastardy:

"Single woman": wife's application against husband: child born during previous marriage: wife living apart from husband: separation order containing non-cohabitation clause [Kruhlak v. Kruhlak (Q.B.D.)], 88.

Building:

Contract: R.I.B.A. form: insurance: subsidence of adjoining properties: no negligence by contractor: damage covered by insurance by contractor in respect of own liability: whether contractor bound under contract also to cover building owner, by insurance, against claim by adjoining owners [Gold v. Patman & Fotheringham, Ltd. (C.A.)], 470.

Safety regulations: falling material: electrician working in open shaft injured by part of shaft falling upon him [Bailey v. Ayr Engineering & Construction Co., Ltd. (C.A.)], 363.

Burden of proof:

Criminal case: facts especially within knowledge of accused: no burden on accused to prove that no crime has been committed: onus on prosecution to prove commission of offence [Ng v. R. (P.C.)], 249.

Ceylon:

Perjury: summary statutory powers of court: construction and scope [Samaratunga v. R. (P.C.)], 452.

Specific performance: contract: land: Roman-Dutch law: legal right to demand performance of contract: overriding discretion of court to refuse: right excluded by substituted obligation for damages [Abdeen v. Mohamed Thaheer (P.C.)], 159.

Charity:

Children: deprived of parents: devise: income to be applied "for the general benefit and general welfare" of children in local authority's home: whether valid charitable trust created [In re Cole; Westminster Bank, Ltd. v. Moore (C.A.)], 618.

Children: deprived of parents: gift of dwelling-house for use as children's home and of fund for benefit of children in home: whether valid charitable gifts: alternative gift should children's home be discontinued [In re Sahal's Will Trusts; Alliance Assurance Co., Ltd. v. A.-G. (Ch. D.)], 877.

Education: Zoological Society: objects: advancement of education [North of England Zoological Society, In re: North of England Zoological Society v. Chester Rural District Council (Ch. D.)], 915.

Imperfect trust provision: memorial fund: marine cadets killed in road accident: trusts for paying funeral expenses, care of disabled and "other worthy causes": void for uncertainty [In re Gillingham Bus Disaster Fund; Bowman v. Official Solicitor (C.A.)], 581.

Investments: statutory charity: powers of investment regulated by special Act of 1850: application for wider powers of investment: whether permissible [In re Shipwrecked Fishermen and Mariners' Royal Benevolent Society (Ch. D.)], 878.

Practicability: bequest: intervening tenancy for life [In re Tacon; Public Trustee v. Tacon (C.A.)], 53.

Rules: alteration: unincorporated association: no power in original rules to alter rules: subsequent purported alterations: whether effective [In re Tobacco Trade Benevolent Association Charitable Trusts (Ch. D.)], 827.

Scheme: jurisdiction to sanction: Royal Charter, body incorporated by: insufficient funds to maintain activities: scheme to transfer premises and funds to another body [In re Whitworth Art Gallery Trusts; Manchester Whitworth Institute v. Victoria Institute of Manchester (Ch. D.)], 87.

Company:

Amalgamation: scheme: transfer of rights and duties: continuation by transferor company of duties as executors [In the Estate of Skinner (P.D.A.)], 759.

Auditor: whether agent of company: statute-barred debt: reference to debt in balance sheet: whether acknowledgment: auditors' certificate of balance sheets [In re Transplanters (Holding Company), Ltd. (Ch. D.)], 547.

Capital: reduction: conditional resolution that operations not requiring sanction of court precede operation requiring it [In re Castiglione, Erskine & Co., Ltd. (Ch. D.)], 454.

Meeting: jurisdiction of court to order: annual general meeting: failure of directors to hold: application by shareholder to court to direct holding of meeting [In re El Sombrero, Ltd. (Ch. D.)], 601.

Meeting: vote: date of vote: appointment of directors: whether elected on date of poll or when result declared [Holmes v. Keyes (Ch. D., C.A.)], 231, 329.

Oppression: subsidiary company: minority of independent shareholders: majority of nominees: controlling powers used to destroy subsidiary company: remedy [Scottish Co-operative Wholesale Society, Ltd. v. Meyer (H.L.)], 617.

Company (continued):

Shareholder: company itself: discretion in will to transfer company's own shares to company: proposed transfer to nominees [In re Castiglione's Will Trusts; Hunter v. Mackenzie (Ch. D.)], 176.

Shares: articles of association: enforcement between members: provision that every member intending to transfer shares should inform directors, who "will take the said shares equally between them at a fair value": whether directors liable to take up member's shares [Rayfield v. Hands (Ch. D.)], 348.

Winding up: contributories: compulsory winding up: surplus assets: register out of date: distribution [In re Phoenix Oil and Transport Co., Ltd. (No. 2) (Ch. D.)], 87.

Winding up: costs: compulsory winding up: solicitors' work in contemplation of proposed legal proceedings: no proceedings taken: whether work "contentious" or "non-contentious" [In re Simpkin Marshall, Ltd. (Ch. D.)], 878.

Winding up: petition: incorrect spelling of company's name: application for leave to amend [In re J. & P. Sussman, Ltd. (Ch. D.)], 347.

Winding up: petition: petition presented in county court: subsequent petition presented in High Court: concurrent jurisdiction: transfer of proceedings to High Court [In re Filby Bros. (Provender), Ltd. (Ch. D.)], 454.

Winding up: voluntary liquidation: report by Official Receiver: whether appropriate: meaning of "Official Receiver" [In re Serene Shoes, Ltd. (Ch. D.)], 777.

Compulsory purchase:

Compensation: potentiality for building development: principles applicable: Maori land [Maori Trustee v. Ministry of Works (P.C.)], 776.

Declaration of clearance area: validity: condition precedent: whether council can be "satisfied" acting through their committees: "resources" [Goddard v. Minister of Housing and Local Government (Q.B.D.)], 860.

Conflict of laws:

Contract: discharge: debt payable under contract: whether discharged: whether proper law of contract or *lex situs* of debt applicable [In re United Railways of the Havana and Regla Warehouses, Ltd. (Ch. D.)], 106.

Diplomatic immunity: family of diplomat: infant: ward of court [In re C (an Infant) (Ch. D.)], 582.

Domicile: change: acquisition of domicile of choice by soldier [Stone v. Stone (P.D.A.)], 938.

Foreign legislation: foreign bank liable on English debt: legislation merging debtor bank with another bank: new amalgamated bank "universal successor" to rights and liabilities of former banks: retrospective decree excepting obligation on English debt from universal succession: right of creditor to sue new bank [Adams v. National Bank of Greece and Athens S.A.; Prudential Assurance Co., Ltd. v. Same (Q.B.D.)], 251.

Power of appointment: special power under English will: purported exercise by Scottish will [In re McMorran; Mercantile Bank of India, Ltd. v. Perkins (Ch. D.)], 138, 164.

Conspiracy:

Lawful protection of interest: colour bar: exclusion of coloured people from dance hall: Musicians' Union retaliate by banning members from performing in orchestra [Scala Ballroom (Wolverhampton), Ltd. v. Ratcliffe (C.A.)], 758.

Contract:

- Construction: deletion: words in draft omitted in contract: lease *City and Westminster Properties (1934), Ltd. v. Mudd (Ch. D.)*, 582.
- Construction: extrinsic evidence: lease: covenant regarding user: nature of premises: knowledge of user *City and Westminster Properties (1934), Ltd. v. Mudd (Ch. D.)*, 582.
- Frustration: C.I.F. contract: usual and customary route via Suez blocked: whether obligation to send goods round Cape *Carapanyoti & Co., Ltd. v. E. T. Green, Ltd. (Q.B.D.)*, 620.
- Frustration: charterparty: time charter: requisition for three months: ten months to run after requisition *Port Line, Ltd. v. Ben Line Steamships, Ltd. (P.D.A.)*, 232.
- Parties: enforcement by third party: company's articles of association: enforcement between members *inter se* *Rayfield v. Hands (Ch. D.)*, 348.
- Parties: enforcement by third party: money had and received: debtor and creditor: debtor's promise to pay money to third party as gift from creditor: failure to pay: whether action for money had and received will lie at suit of third party: whether "fund" in hands of or accruing to debtor *Shamia v. Joory (Q.B.D.)*, 70.
- Performance: customary manner: time when manner customary *Carapanyoti & Co., Ltd. v. E. T. Green, Ltd. (Q.B.D.)*, 620.
- Promise inducing: lease: covenant regarding user: promise not to enforce *City and Westminster Properties (1934), Ltd. v. Mudd (Ch. D.)*, 582.
- Representation: representation of opinion: sales particulars: reversion on death of annuitant: annuitant "believed to have no aggregable estate": statement as to material fact by well-known solicitors to induce purchase: no reasonable supporting grounds *Brown v. Raphael (C.A.)*, 269.

Copyright:

- Assignment: assignment of performing right: whether transmissible or personal to assignee *Loew's Incorporated v. Littler (C.A.)*, 330.
- Death of author: assignment before death: before 1911: rights of assignee: assignment of performing right before Act of 1911: death of authors after 1911: rights of assignee thereafter *Loew's Incorporated v. Littler (C.A.)*, 330.
- Infringement: musical work: gramophone records: distribution for cash price to members of public sending chocolate wrappers: whether sale "by retail" *Chappell & Co., Ltd. v. Nestlé Co., Ltd. (C.A.)*, 270.

Costs:

- Appeal: jurisdiction: judgment for plaintiffs at trial: plaintiffs refused costs because of unsatisfactory witness: appeal as to costs without leave of judge *Baylis Baxter, Ltd. v. Sabath (C.A.)*, 347.
- County court action: action for "payment of money": claim for unliquidated damages: costs incurred by plaintiff before issue of summons: fixed costs marked on summons by court officers: payment into court within eight days: whether plaintiff can recover taxed costs: whether claim for damages an action for "the payment of money" *Reid v. Thomas Bolton & Sons, Ltd. (C.A.)*, 174.
- County court action: set-off: counter-claim or set-off: claim extinguished by set-off: judgment for defendant on claim and for balance of counter-claim: appropriate order for costs *Hanak v. Green (C.A.)*, 329.
- Taxation: objection: taxing masters' certificate irregular *In re Fraser*; *Leach v. Public Trustee (Ch. D.)*, 33.

Costs (continued):

- Third party proceedings: sale of goods: storing contract: claim for price of goods sold and delivered: counter-claim by buyers that goods not of contract quality: sellers joined suppliers as third party: third party joined by fourth party: failure of counter-claim: sellers ordered to pay costs of third and fourth parties: buyers ordered to pay sellers' own costs but not costs payable to third and fourth parties: injudicial exercise of discretion *L. E. Cattin, Ltd. v. A. Michaelides & Co.; Turkie, third party; George (Trading as Yarns & Fibres Co.), fourth party (Q.B.D.)*, 470.
- Trustee: indemnity as to costs: counsel's fees *In re Grimthorpe (Ch. D.)*, 231.

County court:

- Payment into, by order of High Court: payment out: discretion of judge: widow's damages under Fatal Accidents Acts *Cross v. Edney (C.A.)*, 68.
- Transfer of proceedings to another county court: proceedings "more conveniently or fairly tried in another court": second action arising out of same facts as first action: application to transfer: discretion of judge *Birch v. County Motors and Engineering Co., Ltd. (C.A.)*, 632.

Court of Appeal:

- Hearing in camera: bankruptcy: application for private examination of witnesses *In re Green (a Bankrupt); ex parte The Trustee (C.A.)*, 269.
- Jurisdiction: criminal cause or matter: fugitive offender: appeal against refusal to discharge: jurisdiction as "superior court": whether appellate or original under Fugitive Offenders Act, 1881 *R. v. Governor of Brixton Prison; ex parte De Demko (C.A.)*, 827.

Criminal law:

- Abduction: unmarried girl under eighteen: "unlawful sexual intercourse": meaning *R. v. Chapman (Cr. A.)*, 621.
- Accessory before the fact: counselling or procuring felony: alleged principals acquitted, but another found guilty as accessory: whether verdicts inconsistent: murder *Sarupaul v. R. (P.C.)*, 757.
- Aiding and abetting: *mens rea*: Coal Board official allowing overlaid lorry to leave colliery *National Coal Board v. Gamble (Q.B.D.)*, 621.
- Appeal: fresh evidence: statements by prosecution witnesses to police: not available at trial: inconsistent with oral evidence *Mohamed Fiaz Baksh v. R. (P.C.)*, 228.
- Carrying offensive weapon: "offensive weapon": boys breaking into cinema: sheath knife used to frighten caretaker *Woodward v. Koessler (Q.B.D.)*, 879.
- Court of Criminal Appeal: sentence, appeal against: breach of probation order: jurisdiction of court *R. v. Green (Cr. A.)*, 233.
- Evidence: confession: inducement: must relate to charge or accusation to render admission inadmissible *R. v. Joyce (Central Criminal Court)*, 90.
- Evidence: consent to institution of proceedings: hearing of charges under National Insurance Act, 1946: whether prosecutor entitled to prove consent after case closed *Price v. Humphries (Q.B.D.)*, 583.
- Evidence: depositions: reading at trial: substituted voluntary bill of indictment *R. v. Smith (Central Criminal Court)*, 197.
- Evidence: statutory declaration: goods stolen from railway station: proof of dispatch: statutory declaration made by packers: form: exact terms of statute to be complied with *R. v. Marley (Cr. A.)*, 491.
- False pretences: procuring delivery of chattel with intent to defraud: impersonation at driving test in order to obtain certificate of competence to drive to enable another person to obtain driving licence *R. v. Potter (Q.B.D.)*, 438.

Criminal law (continued):

- Forgery: false document: signature on certificate of competence to drive: signature in driving examiner's journal: impersonation at driving test to enable another person to obtain driving licence *R. v. Potter (Q.B.D.)*, 438.
- Fraud: investments: "reckless making of . . . forecasts": whether "recklessness" in statutory context connotes dishonesty *R. v. Mackinnon (Central Criminal Court)*, 861.
- Gambling: contribution to insolvency by gambling: liability for income tax at date of receiving order: large sums lost by gambling within two previous years *R. v. Vaccari (Cr. A.)*, 179.
- Indictment: separate indictments: one charging manslaughter, the other stealing or receiving: common evidence: joinder of charges in one indictment *R. v. Smith (Central Criminal Court)*, 197.
- Larceny: alternative counts for larceny and receiving: conviction on one and no verdict on other: appeal: substitution of verdict *R. v. Adair (Cr. A.)*, 510.
- Mens rea*: statutory prohibition: hire-purchase: finance company unaware that requirements not complied with *R. v. St. Margaret's Trust, Ltd.; R. v. Oliver Autos, Ltd.; R. v. Richard; R. v. Hone (Cr. A.)*, 348.
- Mental deficiency: carnal knowledge of mentally defective girl: defence: whether woman lawfully detained in institution *Director of Public Prosecutions v. Head (H.L.)*, 249.
- Murder: diminished responsibility: direction to jury *R. v. Spriggs (Cr. A.)*, 89.
- Murder: diminished responsibility: right of prosecution to prove insanity: onus of proof *R. v. Bastian (Central Criminal Court)*, 272.
- Murder: diminished responsibility: standard of proof: medical evidence of abnormality of mind unchallenged *R. v. Matheson (Cr. A.)*, 309.
- Perjury: oath: Sikh: oath impracticable: affirmation: whether lawfully sworn *R. v. Pritam Singh (Q.B.D.)*, 88.
- Receiving: misdemeanour: property obtained in circumstances amounting to misdemeanour: whether proof of knowledge of specific misdemeanour necessary *Director of Public Prosecutions v. Nieser (Q.B.D.)*, 955.
- Sentence: Borstal training: further offences: appropriate sentences *R. v. Noseda; R. v. Field; R. v. Knight; R. v. Fitzpatrick (Cr. A.)*, 511.
- Sentence: concurrent sentences: form: whether particular form of words necessary *In re Hastings (Q.B.D.)*, 232.
- Sentence: Irish, dealing with: probation order: recognizance: citizen of Ireland: power to make term of order that he shall return to Ireland *R. v. McCartan (Cr. A.)*, 621.
- Sentence: overseas, sending offender back: binding over: recognizance: power to make term of order that Nigerian offender should return to Nigeria *R. v. Ayu (Cr. A.)*, 917.
- Sentence: probation order: breach: illegal sentence: whether conviction amounted to breach of probation order *R. v. Green (Cr. A.)*, 233.
- Summing up: direction to jury after retirement: question from jury: whether relevant evidence should be reviewed *R. v. Adair (Cr. A.)*, 510.

Crown practice:

- Certiorari: error of law on face of record: agricultural land tribunal: whether statement of case part of record: wrong exercise of jurisdiction: whether case stated or certiorari appropriate remedy *Davies v. Price (C.A.)*, 290.

Crown practice (continued):

Certiorari: error of law on face of record: construction: evidence necessary to enable court to construe document part of record: whether certiorari applicable [R. v. Patents Appeal Tribunal; *ex parte* Baldwin & Francis, Ltd. (C.A.)], 438.
Certiorari: inferior tribunal: Patents Appeal Tribunal [R. v. Patents Appeal Tribunal; *ex parte* Baldwin & Francis, Ltd. (C.A.)], 438.

Crown privilege:

Evidence: police records withheld in public interest: Minister's certificate conclusive [Auten v. Rayner; Auten v. Baker Todman & Co. (C.A.)], 935.

Damages:

Continuing breach: "continuing cause of action": repeated breaches of contract of service [National Coal Board v. Galley (C.A.)], 31.
Personal injuries: husband and wife: wife in hospital at distance from home: unpaid leave taken by husband: whether entitled to recover loss of earnings [McNeill v. Johnstone (Q.B.D.)], 602.
Sale of goods: condition not to resell except to seller: resale on black market to third party: measure of damages [Mouat v. Betts Motors, Ltd. (P.C.)], 810.

Delegated legislation:

Public safety or order: relation to purpose: Cyprus: collective punishment regulations: validity: collective fine order: prior inquiry: whether statutory requirements complied with [Ross-Clunis v. Papadopoulos (P.C.)], 362.

East Africa (Kenya):

Mortgage: redemption and foreclosure: order for sale: whether mortgagee entitled to order for sale: whether proviso for redemption in third mortgage "contract to the contrary" [Karachiwalla v. Nanji (P.C.)], 794.

East Africa (Tanganyika):

Practice and procedure: limitation: duty of appeal court [Tzamburakis v. Rodousakis (P.C.)], 562.

Ecclesiastical law:

Faculty: aumbry [In re St. Michael and All Angels, Bishopwearmouth (Durham Consistory Court)], 862.
Faculty: burial ground: disinterment: cremation [In re Matheson (Liverpool Consistory Court)], 161.
Faculty: burial ground: disinterment followed by reinterment in communal grave: road-widening scheme [In re Parish of Caister-on-Sea (Norwich Consistory Court)], 197.

Emergency legislation:

Sale of goods: price control: motor car: resale: breach of covenant: damages [Mouat v. Betts Motors, Ltd. (P.C.)], 810.

Estoppel:

By conduct: mortgage: recital in conveyance that vendors "seised in unencumbered fee simple in possession": conveyance subject to lease [District Bank, Ltd. v. Webb (Ch. D.)], 107.
Per rem judicatum: husband and wife: divorce petition dismissed in exercise of court's discretion: whether parties estopped from repeating and denying same charges [Bernard v. Bernard (Sutton cited) (P.D.A.)], 937.

Evidence:

Admission: by infant: admissions by infants before proceedings: admissibility [Alderman v. Alderman and Dunn (P.D.A.)], 126.
Evidence Act, 1938: "person interested": documentary statement by employee of party to action [Kelleher v. T. Wall & Sons, Ltd. (Q.B.D.)], 547.

Executors and administrators:

Trust corporation: pending dissolution: bank named as executor in will: probate action commenced by bank: subsequent amalgamation with another bank: whether first bank entitled to continue action or act as executor after transfer date [In the Estate of Skinner (P.D.A.)], 759.

Extradition:

Offence committed on board ship: jurisdiction of magistrate: no proof of ship's position at time of offence: whether ship "territory of contracting power": *habeas corpus*: right of requisitioning government to appear: R.S.C., Ord. 59, r. 17 [R. v. Governor of Brixton Prison; *ex parte* Minervini (Q.B.D.)], 777.

Factory:

Dangerous machinery (fencing): injury from fence: carborundum wheel: disintegration: fence shifted: injury [Rutherford v. R. E. Glanville & Sons (Bovey Tracey), Ltd. (C.A.)], 269.
Eyes: protection: dry-grinding: failure to provide goggles: breach of duty not shown to be cause of accident [Nolan v. Dental Manufacturing Co., Ltd. (Q.B.D.)], 619.
Floor: opening: duty to fence openings in floors: whether plankway a "floor" [Tate v. Swan Hunter & Wigham Richardson, Ltd. (C.A.)], 52.
Lift: gates: duty to prevent person coming into contact with moving parts [Blakeley v. C. & H. Clothing Co. (Q.B.D.)], 232.

Family provision:

Limitation: extension of time: person having "an interest in the estate": circumstance affecting the administration or distribution of the estate: posthumous child of deceased: summons issued after expiration of six-month period [In re Trott; Trott v. Miles (Ch. D.)], 401.

Fatal Accidents Acts:

Damages: administration: money recovered by widow: administration by trustees instead of court [Woodley v. Tersons, Ltd. (Q.B.D.)], 656.
Damages: insurance: payment to employer under personal accident group insurance policy: employer's payment to deceased employee's dependant: whether to be taken into account in assessing damages [Green v. Russell; McCarthy, third party (Q.B.D.)], 620.
Damages: voluntary payment: acceptance by widow of lump sum on behalf of herself and infants: whether binding: jurisdiction of court [Jeffrey v. Kent County Council (Q.B.D.)], 620.

Gaming:

Lottery: licensed premises: bowling club conducting small lottery in public house: whether an offence [Smith v. Wyles (Q.B.D.)], 758.

Habeas corpus:

Criminal cause or matter: successive applications: refusal of application by Queen's Bench Divisional Court: jurisdiction of Divisional Court on second application [In re Hastings (No. 2) (Q.B.D.)], 936.

Highway:

Non-feasance of local authority: new road: statutory vesting in local authority: accident caused by projecting kerb of island adjacent to roundabout: negligence: highway constructed by county council and subsequently vesting in local authority: whether local authority liable [Baxter v. Stockton-on-Tees Corporation (C.A.)], 562.
One-way street: validity of order [Brownsea Haven Properties, Ltd. v. Poole Corporation (C.A.)], 84.

House of Lords:

Leave to appeal: terms: money in dispute deposited at low rate of interest [Inland Revenue Commissioners v. Wood Brothers (Birkenhead), Ltd. (H.L.)], 52.

Housing:

Rent: scheme by local authority: differential rent scheme: failure of tenant to inform council of increase of income: tenancy determined: liability of tenant for rebates not refunded [Havant and Waterloo Urban District Council v. Norum (C.A.)], 470.
Rent: scheme by local authority: review increasing rent: whether operating *ipso facto*: whether local authority entitled to override tenants' contractual rights without notice to quit [Bathavon Rural District Council v. Carlile (C.A.)], 230.

Husband and wife:

Alimony *pendente lite*: judicial separation: appeal pending by wife against her own decree [Schlesinger v. Schlesinger (P.D.A.)], 602.
Condonation: "knowledge" of adultery: cohabitation: whether with requisite knowledge of all material facts [Burch v. Burch (P.D.A.)], 308.
Cruelty: intention to injure: frigidity: wife's deliberate refusal to have children ripening into complete refusal of sexual intercourse: knowledge of injurious effect on husband [Ward v. Ward (P.D.A.)], 472.
Desertion: just cause: adultery, reasonable belief in: evidence: no evidence of opportunity [Cox v. Cox (P.D.A.)], 217.
Desertion: separation agreement: consensual oral separation: written agreement for maintenance: no term defining period of separation: subsequent offer to return rejected [Bosley v. Bosley (C.A.)], 437.
Divorce: appeal: costs: decree: party cited mulcted in costs: disclosure of successful party's adultery after decree absolute: appeal against costs order [Kingston v. Kingston (Gilder cited) (C.A.)], 123.
Divorce: conflict of jurisdiction: foreign decree based on last common residence: wife domiciled in England: recognition of decree [Manning v. Manning (P.D.A.)], 141.
Divorce: evidence: admissions by infants: admissibility [Alderman v. Alderman and Dunn (P.D.A.)], 126.
Divorce: evidence: adultery: evidence of telephone conversation: admissibility [Corke v. Corke and Cook (C.A.)], 68.
Divorce: expedition: exceptional hardship: subjective approach in exercise of court's discretion: pregnancy of wife by adultery [Hillier v. Hillier and Latham (C.A.)], 381.
Divorce: insanity: care and treatment: incurable unsoundness of mind [Lock v. Lock (P.D.A.)], 879.
Judicial separation: costs: power to order woman named to pay wife's costs [Leach v. Leach and Harrower (P.D.A.)], 88.
Justices: appeal to Divisional Court: fraud alleged: procedure: appeal by notice of motion [Byatt v. Byatt (P.D.A.)], 15.
Maintenance: agreement: variation by court: deed for purpose of reconciliation: no jurisdiction to vary [Ewart v. Ewart (P.D.A.)], 861.
Maintenance: committal order: endorsement: suspension on terms: further default by judgment debtor [Riding v. Riding (C.A.)], 52.
Maintenance: divorce: secured payments: whether order effects equitable charge: maintenance charged on protected interest: whether forfeited [In re Richardson's Will Trusts; Public Trustee v. Llewellyn Evans' Trustee (Ch. D.)], 176.
Maintenance: High Court: presumption of death and dissolution of marriage: decree in favour of husband: wife not dead: application by wife for maintenance: whether distinction between "dissolution" and "divorce" [Deacock v. Deacock (C.A.)], 526.

Husband and wife (continued):

- Maintenance: High Court: quantum: husband's capital made over to mistress to invest in business [Donaldson v. Donaldson (P.D.A.)], 548.
- Maintenance: justices: adultery by wife: fresh evidence: application to discharge order: practice [Newman v. Newman (P.D.A.)], 34.
- Maintenance: justices: jurisdiction: application to vary order: order revoked without complaint to revoke being made: possibility of reviver of properly revoked order [Bowen v. Bowen (P.D.A.)], 308.
- Maintenance: justices: wilful neglect to maintain: order against husband under National Assistance Act, 1948, s. 43: whether wilful neglect can be found if order obeyed [Jones v. Jones (P.D.A.)], 846.
- Maintenance: justices: wilful neglect to maintain: wife living apart from husband on medical grounds: no element of misconduct on part of husband: therefore no wilful neglect to maintain [Lilley v. Lilley (P.D.A.)], 937.
- Marriage: register: amendment: court's jurisdiction [Dimizulu v. A.-G. (Q.B.D.)], 879.
- Marriage: validity: proxy marriage: husband domiciled in England: home to be in England: recognition of marriage ceremony in Italy [Ponticelli v. Ponticelli (otherwise Giglio) (by her Guardian) (P.D.A.)], 178.
- Nullity: conflict of jurisdiction: wilful refusal: law applicable [Ponticelli v. Ponticelli (otherwise Giglio) (by her Guardian) (P.D.A.)], 178.
- Nullity: duress: petitioner forced to go through marriage ceremony by her father's threats [Parojic (otherwise Ivetic) v. Parojic (P.D.A.)], 938.
- Nullity: epilepsy: finding of recurrent fits of epilepsy at time of ceremony: whether competent to investigate question of wilful refusal to consummate [Iddenden (otherwise Brains) v. Iddenden (P.D.A.)], 759.
- Nullity: incapacity: proof of: parties only together for short period: husband's impotence established [B (otherwise S) v. B (P.D.A.)], 421.
- Nullity: remarriage before decree made absolute: whether second marriage bigamous [Wiggins v. Wiggins (otherwise Brooks) and Ingram (P.D.A.)], 656.
- Practice: amendment to allege adultery: discretion statement: amendment of petition at trial to add charge of adultery based on facts disclosed in discretion statement [Clueit v. Clueit (P.D.A.)], 307.
- Practice: appeal: time bar: refusal of decree: time for setting down appeal against refusal of decree [Medcalf v. Medcalf (C.A.)], 216.
- Practice: discretion statement: admission of adultery in cross-examination: whether questions on adultery objectionable: leave to amend answer to alleged adultery based on petitioner's admission in evidence: whether party seeking exercise of court's discretion entitled to defer evidence of adultery until after decision on issue of cruelty: proper practice [Lewis v. Lewis (C.A.)], 306.
- Practice: fresh evidence: application to call fresh evidence after judgment reserved [Burgess v. Burgess (P.D.A.)], 402.
- Practice: new trial: divorce: adultery: denial of adultery: dismissal of wife's petition: later confession to perjured evidence on behalf of husband: application for new trial [Piotrowska v. Piotrowski (C.A.)], 527.
- Practice: pleading: amendment to allege adultery: discretion statement: application to amend answer by alleging adultery based on discretion statement [Clear v. Clear (C.A.)], 306.
- Practice: pleading: petition: amendment: application for leave to add allegations of cruelty in petition founded on desertion [Nelson v. Nelson (C.A.)], 599.

Husband and wife (continued):

- Practice: service of charges on woman named: allegations of associations with named women [Green v. Green and Partridge (P.D.A.)], 812.
- Practice: submission of no case: divorce: submission of no case by co-respondent [Lance v. Lance and Gardiner (P.D.A.)], 126.
- Practice: submission of no case: divorce: submission of no case by husband: election [Wilson v. Wilson (P.D.A.)], 794.
- Practice: submission of no case: divorce: submission of no case by intervener: election [Gilbert v. Gilbert and Abdon (Adams intervening) (P.D.A.)], 15.
- Property: matrimonial home: divorce: wife's application for injunction restraining husband from remaining in matrimonial home [Gorulnick v. Gorulnick (C.A.)], 32.
- Property: proceedings under Married Women's Property Act, 1882, s. 17: house purchased for home: purchase in name of wife: mortgage instalments paid by husband: presumption of advancement: husband's claim to share in house [Silver v. Silver (C.A.)], 174.
- Property: proceedings under Married Women's Property Act, 1882, s. 17: house purchased without husband's knowledge partly from naval allotments to wife [Richards v. Richards (C.A.)], 845.
- Property: proceedings under Married Women's Property Act, 1882, s. 17: title deeds: whether property within meaning of section: claim by husband against wife for possession of title deeds: husband trustee with no beneficial interest [*In re Knight's Question* (Ch. D.)], 291.
- Property: settlement: variation: determinable life interest for husband: discretionary trust in favour of issue of marriage after determination of husband's life interest: order of Divorce Division extinguishing all interests of husband under marriage settlement as if he "had died in the lifetime of the petitioner": whether discretionary trust extinguished [*In re Allsopp's Marriage Settlement Trusts* (Ch. D.)], 489.
- Settlement: variation: ante-nuptial settlement: securities transferred to husband as "absolute gift": deed also providing for loan to husband if he became member of Lloyd's by fixed date: provision as to loan never becoming effective: marriage dissolved on wife's petition: whether transferred securities or sum representing their value capable of being "property settled" over which court has jurisdiction: no element of periodical payment remaining at date of decree absolute [Prescott (formerly Fellowes) v. Fellowes (P.D.A., C.A.)], 272, 581.

Infant:

- Custody: appeal from justices: order directing change of custody: stay pending appeal [*In re S, an Infant* (Ch. D.)], 250.
- Ward of court: jurisdiction: custody order by Divorce Division: children subsequently made wards of court: whether conflict of jurisdiction [*In re Andrews (Infants)*; Sullivan v. Andrews (Ch. D.)], 382.
- Ward of court: jurisdiction: Divorce Division [Andrews v. Andrews and Sullivan (P.D.A.)], 384.

Injunction:

- Relator action: Act conferring public benefit: course of conduct showing intention to use machinery of Act to evade its provisions: jurisdiction of court to grant injunction [A.-G. v. Smith (Q.B.D.)], 490.

Insurance:

- Marine: war risks: "prolongation" of voyage: diversion after Admiralty advice [Union-Castle Mail Steamship Co., Ltd. v. United Kingdom Mutual War Risks Association, Ltd. (Q.B.D.)], 125.

Insurance (continued):

- Marine: warranty: construction: carriage of cattle: all arrangements for conversion of vessel made "at inception of this insurance": meaning: when insurance cover obtained: "all arrangements": construction [Simons v. Gale (P.C.)], 452.
- Provision for, in contract: whether interests of both parties to be covered: building contract: R.I.B.A. form: injury to adjoining properties: whether contractor liable to cover by insurance liability of building owner as well as own liability [Gold v. Patman & Fotheringham, Ltd. (C.A.)], 470.

Interpleader:

- Submission of issue to arbitration: discretion of court to refer to arbitration: principles of exercise: charterparty: arbitration clause: issue between owners and charterers: master's order referring issue to commercial court [*In re Phoenix Timber Co., Ltd.'s Application* (C.A.)], 231.

Joint tortfeasor:

- Contribution: limitation of action: action against one tortfeasor statute-barred: any tortfeasor "who would if sued have been liable": injury to fellow-servant by negligent driving of servant: servant killed in accident: no proceedings brought within six months of taking out representation [Harvey v. R. G. O'Dell, Ltd.; Galway, third party (Q.B.D.)], 196.

Justices:

- Case stated: limitation: extending time for stating case: no power to extend time by consent: application to court [Whittingham v. Natrass (Q.B.D.)], 637.
- Indictable offence also triable summarily: application by prosecutor for summary trial: no formal application: whether implied application [*Ex parte Rigby* (Q.B.D.)], 563.
- Warrant: bench warrant: jurisdiction to issue: prisoner committed on bail to quarter sessions for sentence: failure to appear: jurisdiction of recorder to issue warrant [R. v. Lloyd-Jones (Q.B.D.)], 828.

Land registration:

- Effect of registration: mortgage: legal charge: transfer and legal charge registered simultaneously: rights of tenants in possession against charge [Grace Rymer Investments, Ltd. v. Waite (Ch. D., C.A.)], 86, 600.

Landlord and tenant:

- Assignment of lease or underletting: covenant not to assign or underlet without consent: not to be unreasonably withheld: refusal on ground of superior landlords' refusal [Vienit, Ltd. v. W. Williams & Son (Bread Street), Ltd. (Ch. D.)], 916.
- Business premises (security of tenure): break clause: notice to determine terms: whether effective [Weinbergs Weatherproofs, Ltd. v. Radcliffe Paper Mill Co., Ltd. (Ch. D.)], 15.
- Business premises (security of tenure): discretion to grant new tenancy: application for new tenancy: landlord's notice of opposition, alleging breaches of covenant to repair: contract for sale of tenant's interest, including any granted under Act, to third party: breaches of covenant proved: nature of judge's discretion to grant new tenancy [Lyons v. Central Commercial Properties London, Ltd. (C.A.)], 600.
- Business premises (security of tenure): landlord's intention to demolish: whether intention merely ancillary to intention to relet [Craddock v. Hampshire County Council (C.A.)], 137.
- Business premises (security of tenure): landlord's intention to occupy for own purposes: intention: how shown [Espresso Coffee Machine Co., Ltd. v. Guardian Assurance Co., Ltd. (Ch. D.)], 601.

Landlord and tenant (continued):

- Business premises (security of tenure):
landlord's intention to reconstruct: time of intention: meaning of "intention" [Betty's Cafés, Ltd. v. Phillips Furnishing Stores, Ltd. (H.L.)], 228.
- Business premises (security of tenure):
limitation: application for new tenancy: summons naming wrong respondents: application to amend: amended summons served out of time [*In re* Nos. 55 and 57 Holmes Road, Kentish Town; Beardmore Motors, Ltd. v. Birch Bros. (Properties), Ltd. (Ch. D.)], 419.
- Business premises (security of tenure):
occupation for purposes of tenant's business: "mock auction" room used only in summer season: business carried on by third party as tenant's "manager" under fictitious agreement: premises vacated by "manager" at close of season: application for new tenancy [Teasdale v. Walker (C.A.)], 757.
- Business premises (security of tenure):
terms of new tenancy: rent: hotel: admissibility of trading accounts [Harewood Hotels, Ltd. v. Harris (C.A.)], 67.
- Covenant: central refrigeration installation in flats: supply of motive power [Penn v. Gatenex Co., Ltd. (C.A.)], 250.
- Forfeiture of lease: repudiation of landlord's title: action by landlord for possession: general denial of statement of claim in defence: denial of landlord's title by one of two executors: no defence by other executor: reply by landlord forfeiting lease: denial of title binding on both executors [Warner v. Sampson (Q.B.D.)], 107.
- Notice to quit: form: time of expiry: periodic tenancy: weekly tenancy to Sunday midnight: notice to quit "by noon on Monday, 1st July, 1957" [Bathavon Rural District Council v. Carlile (C.A.)], 230.
- Rent restriction: notice to quit: premises let as dwelling: whether statutory period of notice to quit applicable to mortgagor under attornment clause [Alliance Building Society v. Pinwill (Ch. D.)], 455.
- Rent restriction: possession application: dwelling-house reasonably required for occupation by landlord's daughter: whether reasonable to make order: movability of other tenants of landlord: whether relevant consideration [Hardie v. Frediani (C.A.)], 195.
- Rent restriction: possession application: "greater hardship": whether proviso as to "greater hardship" repealed by Act of 1957 [Piper v. Harvey (C.A.)], 174.
- Rent restriction: premises within the Acts: dwelling-house subsequently divided into six flats: date for assessing rateable value [Coutts & Co. v. Duntroon Investment Corporation, Ltd. (Ch. D.)], 69.
- Rent restriction: premises within the Acts: rateable value: ascertainment of rateable value: London unfurnished flat and garage assessed as one hereditament: on tenant's proposal property reassessed separately: application by landlord for reassessment [Holland v. Ong (C.A.)], 176.
- Rent restriction: premises within the Acts: shop: business premises with living accommodation above: whether let as a separate dwelling [British Land Co., Ltd. v. Herbert Silver (Menswear), Ltd. (C.A.)], 230.
- Rent restriction: premium: commuted rent: rent reduced below two-thirds of rateable value: lump sum payment: whether premium or rent in advance: whether tenant protected [Samrose Properties, Ltd. v. Gibbard (C.A.)], 160.
- Rent restriction: premium: rent paid in advance: agreement to let before landlord's purchase: three years' rent paid in advance: whether illegal premium: effect: tenant let into possession before completion of landlord's purchase: completion of purchase and legal charge: possession application by mortgagee: rights of tenant [Grace Rymer Investments, Ltd. v. Waite (Ch. D., C.A.)], 86, 600.

Landlord and tenant (continued):

- Rent restriction: rent limit: appropriate factor: tenant's liability for repairs under terms of tenancy: concurrent liability at common law [Regis Property Co., Ltd. v. Dudley (C.A., H.L.)], 160, 200, 844.
- Repairs: Act of 1938: effect of counter-notice claiming benefit: subsequent proceedings by lessor for breach of repairing covenant: more than five years of term not then unexpired: leave of court [Baker v. Sims (C.A.)], 776.
- Repairs: Act of 1938: leave to proceed for possession: breaches of covenants to repair: application by lessor for leave to proceed in claims for forfeiture and damages: matters to be proved to obtain such leave [Phillips v. Price (Ch. D.)], 827.
- Repairs: Act of 1938: proceedings for damages for breach of covenants to repair: whether "lessee" no longer in possession entitled to benefit of Act of 1938 [Cusack-Smith v. Gold (Q.B.D.)], 420.
- Repairs: covenant: "structural repairs of a substantial nature" [Granada Theatres, Ltd. v. Freehold Investments (Leytonstone), Ltd. (Ch. D.)], 563.

Legal aid:

- Costs: order for costs against aided person: procedure in Chancery Division [Wing v. Spring (Ch. D.)], 619.
- Costs: solicitor's liability: proceedings improperly continued [Edwards v. Edwards (P.D.A.)], 402.
- Disposable income: subject-matter of dispute: alimony pending suit to be taken into account [Taylor v. National Assistance Board (H.L.)], 14.

Legitimacy:

- Subsequent marriage: time at which earlier marriage dissolved: decree absolute and birth of child on same day: decree subsequent in time to birth: whether mother married when illegitimate child born [Kruhak v. Kruhak (No. 2) (Q.B.D.)], 401.

Libel and slander:

- Fair comment: test of fairness: question of honesty [Silkin v. Beaverbrook Newspapers, Ltd. (Q.B.D.)], 491.
- Libel: newspaper: absolute privilege: statement by witness at criminal trial: one statement false: comment made in newspaper: whether plea of fair comment sustainable [Grech v. Odhams Press, Ltd.; Addis v. Same (C.A.)], 453.

Licensor and licensee:

- Independent contractor: negligence of: office cleaner injured: defective electrical installation: installed by expert contractors: liability of occupier: invitee [Green v. Fibreglass, Ltd. (Q.B.D.)], 472.
- Licensee: duty of occupier: fatal dive into shallow sea: local authority occupiers of diving board: not liable [Perkowski v. Wellington Corporation (P.C.)], 794.
- Licensee or trespasser: railway: licensee involuntarily a few inches outside area of licence: licensor's duty of care [Braithwaite v. South Durham Steel Co., Ltd. (Q.B.D.)], 655.

Limitation of actions:

- Acknowledgment: debt: documents signed by party interested in debt: company balance sheets: auditors' certificate: whether agents of company [*In re* Transplanters (Holding Company), Ltd. (Ch. D.)], 547.
- Concealment by fraud: solicitor: negligence: failure to issue writ in due time: plaintiff's claim under Fatal Accidents Acts lost: claim against solicitor after 13 years: whether "right of action . . . concealed by . . . fraud" [Kitchen v. Royal Air Force Association (C.A.)], 363.
- Death of tortfeasor: limitation applicable: lapse of six years: letters of administration taken out: action brought within six months thereafter [Airey v. Airey (C.A.)], 489.

Limitation of actions (continued):

- Fraudulent breach of trust: transfer of part of proceeds to innocent third party: claim by beneficiary to recover from third party: whether limitation applicable [G.L. Baker, Ltd. v. Medway Building and Supplies, Ltd. (C.A.)], 877.

Local government:

- Meeting of local authority: voting: pecuniary interest: member of local authority director of local building firm [Rands v. Oldroyd (Q.B.D.)], 811.
- Powers: highway: creation of one-way street: powers under early Act: "route to be observed": limited power under later Act: no order by Minister under later Act: whether order valid [Brownsea Haven Properties, Ltd. v. Poole Corporation (C.A.)], 84.
- Powers: transport: free travel concessions for qualified persons: contributions of one local authority to costs of another: how assessed [Litherland Urban District Council v. Liverpool Corporation (Ch. D.)], 618.

Master and servant:

- Contract of service: enforceability: servant to work for such periods weekly as might be "reasonably required" [National Coal Board v. Galley (C.A.)], 31.

Mental deficiency:

- Detention order: validity: order on conviction of larceny: whether evidence sufficient [*In re* Sage (Q.B.D.)], 250.

Mines and minerals:

- Coal: breach of statutory duty: roof and sides: fall of coal from coal-face: duty to make secure side of working place: whether coal-face a "side" [Gough v. National Coal Board (C.A.)], 306.
- Coal: nationalisation: compensation: interim income payments: whether to be included in actual income of year of receipt or of year or period in respect of which it was paid [Inland Revenue Commissioners v. Whitworth Park Coal Co., Ltd. (In Liquidation) (C.A.)], 346.
- Coal: working: application by National Coal Board for interim order to expedite working: jurisdiction: form of order [*Ex parte* National Coal Board (Ch. D.)], 401.

Mortgage:

- Attornment clause: notice to quit: whether statutory period of notice to quit applicable to mortgagor under attornment clause [Alliance Building Society v. Pinwill (Ch. D.)], 455.
- Interest restriction: apportionment of principal money: division of dwelling-house into six flats: meaning of "other lands" in Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (5) [Coutts & Co. v. Duntroon Investment Corporation, Ltd. (Ch. D.)], 69.
- Interest restriction: interest in arrear for more than twenty-one days: arrears subsequently paid: whether statutory protection revived [Coutts & Co. v. Duntroon Investment Corporation, Ltd. (Ch. D.)], 69.
- Leasing, power of: not excluded by mortgage deed: grant of parcel lease by mortgagors: no provision for re-entry on non-payment of rent: whether lease effective against mortgagees [Pawson v. Revell (C.A.)], 632.
- Redemption and foreclosure: order for sale: whether mortgagee entitled to order for sale: whether proviso for redemption in third mortgage "contract to the contrary" [Karachiwalla v. Nanji (P.C.)], 794.

National Health Service:

- Hospital: transferred officer: transfer to service of regional hospital board on setting up of National Health Service: terms and conditions of service: consultant's refusal to accept permanent contract: termination of services: validity: duty of Minister to hear appeal [Barber v. Manchester Regional Hospital Board (Q.B.D.)], 141.

National Insurance:

Industrial injuries benefit: injury arising in the course of employment: whether arising out of employment: burden of proof [R. v. National Insurance (Industrial Injuries) Commissioner; *ex parte* Richardson (Q.B.D.)], 563.

Industrial injuries benefit: jurisdiction of medical appeal tribunal: power to set aside award of medical board in claimant's favour: fresh evidence: further report of surgeon on claimant's injury [R. v. Medical Appeal Tribunal for North Midland Region; *ex parte* Hubble (Q.B.D.)], 471.

Industrial injuries benefit: "paired organs" principle: whether legs "paired organs" [R. v. Medical Appeal Tribunal for South Wales District; *ex parte* Griffiths (Q.B.D.)], 348.

Natural justice:

Tribunal: trade association: disqualification recommended: remedy of injunction and damages: contractual relationship: necessity [Byrne v. Kinematograph Renters Society, Ltd. (Ch. D.)], 509.

Negligence:

Child: injury to: child falling out of guard's van: whether danger reasonably foreseeable [O'Connor v. British Transport Commission (C.A.)], 214.

Contributory negligence: inadvertence of workman: shunter riding on locomotive steps: inadvertence amounting to negligence [Hicks v. British Transport Commission (C.A.)], 307.

Damages: remoteness of damage: *novus actus interveniens*: woman locked in public lavatory: injured while attempting to escape: whether attempt to escape reasonable consequence of fault in lock [Sayers v. Harlow Urban District Council (C.A.)], 419.

Duty of care: extent: rescuer: employees overcome by fumes in well: dangerous system of work: orders not to go down well: whether sufficiently precise and urgent: rescue attempt: death of rescuer: right of action: peril caused by negligent act arising out of master and servant relationship [Baker v. T. E. Hopkins & Son, Ltd. (Q.B.D.)], 636.

Onus of proof: *res ipsa loquitur*: brick falling from occupier's building on to user of highway: evidence of safe system [Walsh v. Holst & Co., Ltd. (C.A.)], 545.

Safe system of work: dangerous premises: employers' duty: employee required to work in premises not in occupation of employers: window cleaning [Wilson v. Tyneside Window Cleaning Co. (C.A.)], 380.

Safe system of work: general precautions: metal moulding: protective clothing available for workman: no order or advice to wear it [Haynes v. Qualcast (Wolverhampton), Ltd. (C.A.)], 138.

Safe system of work: goggles: dry-grinding: employers' statutory duty to provide goggles: goggles not provided: probability that goggles would not have been used except under compulsion: common-law duty to provide goggles and ensure their use [Nolan v. Dental Manufacturing Co., Ltd. (Q.B.D.)], 619.

Safe system of work: plant and equipment: latent defect: injury to workman caused by tool with latent defect [Davie v. New Merton Board Mills, Ltd. (C.A.)], 14.

Standard of care: do-it-yourself repairs: injury to invitee from insecure door handle: degree of care and skill required of householder doing house repairs [Wells v. Cooper (C.A.)], 508.

New Zealand:

Compensation: potentiality for building development: principles applicable: Maori land [Maori Trustee v. Ministry of Works (P.C.)], 776.

Emergency legislation: sale of goods: price control: motor car: resale: breach of covenant: damages [Mouat v. Betts Motors, Ltd. (P.C.)], 810.

New Zealand (continued):

Licensee: duty of occupier: fatal dive into shallow sea: local authority occupiers of diving board: not liable [Perkowski v. Wellington Corporation (P.C.)], 794.

Nuisance:

Noise: byelaw: using noisy instrument in street "so as to cause annoyance" to inhabitants [Raymond v. Cook (Q.B.D.)], 812.

Parliament:

Privilege: issue of writ: writ against member in respect of proceeding in Parliament: treatment by Commons of writ as breach of privilege not contrary to Parliamentary Privilege Act, 1770 [In re Parliamentary Privilege Act, 1770 (P.C.)], 380.

Passing off:

Risk of confusion: bona fide use of own name on goods: whether defence [Baume & Co., Ltd. v. A. H. Moore, Ltd. (C.A.)], 329.

Patent:

Appeal Tribunal: jurisdiction: whether amenable to certiorari [R. v. Patents Appeal Tribunal; *ex parte* Baldwin & Francis, Ltd. (C.A.)], 438.

Infringement: licence: limited licence to sell at list price: sale below list price: notice [Dunlop Rubber Co., Ltd. v. Longlife Battery Depot (a firm) (Ch. D.)], 654.

Licence to manufacture under: assessment of royalties: manufacture of patented articles: terms as to royalties: auditor's duties: scope of inquiry [Fomento (Sterling Area), Ltd. v. Selsdon Fountain Pen Co., Ltd. (H.L.)], 51.

Perjured evidence:

Whether a tort: criminal proceedings: allegation of perjury in criminal proceedings: whether action for damages will lie at suit of person alleging damnification by false evidence [Hargreaves v. Bretherton (Q.B.D.)], 637.

Perpetuity rule:

Dependent or independent trust: void gift of income: discretionary trust during widowhood: gift of capital "on the determination of" that trust [In re Allen; Curtis v. Nalder (C.A.)], 140.

Power of appointment:

Hybrid power: delegation: power neither special nor general: whether capable of delegation [In re Triffitt's Settlement; Hall v. Hyde (Ch. D.)], 382.

Practice and procedure:

Arguments of counsel: construction of statute: practice notes issued by Government department not to be quoted [London County Council v. Central Land Board (C.A.)], 935.

Declaratory judgment: town and country planning: development: declaration: whether jurisdiction to grant declarations ousted by statute [Pyx Granite Co., Ltd. v. Ministry of Housing and Local Government (C.A.)], 175.

Order: time of effect: whether relating back to earliest moment of day on which made [Kruhlak v. Kruhlak (No. 2) (Q.B.D.)], 401.

Originating summons: construction question: jurisdiction: person "interested under... written instrument": "claiming any legal or equitable right": town and country planning: enforcement notice: validity: originating summons for declaration that notice invalid [Rigden v. Whitstable Urban District Council (Ch. D.)], 547.

Parties: joinder: application by third parties to be joined as co-defendants: purpose of joinder to counter-claim against plaintiffs: jurisdiction [Miguel Sanchez and Compania S.L. v. Result (Owners); Nello Simoni, Ltd., third party. The Result (P.D.A.)], 292.

Practice and procedure (continued):

Payment into court: notice: form: statutory and common-law claims: whether causes of action must be specified [Graham v. C. E. Heinke & Co., Ltd. (Q.B.D., C.A.)], 108, 936.

Pleadings: amendment: "such amendments... as may be necessary for the purposes of determining the real question in controversy": fraudulent conversion of trust fund: claim by beneficiary to follow assets in hands of innocent third party: application at trial to amend defence by pleading giving of value [G. L. Baker, Ltd. v. Medway Building and Supplies, Ltd. (C.A.)], 877.

Set-off: equitable set-off: building contract: action for failure to complete works: claim to set-off on quantum meruit for extra work [Hanak v. Green (C.A.)], 329.

Settlement of action: duty to inform Crown Office [Williamson v. British Boxing Board of Control (1929) (Q.B.D.)], 365.

Summary procedure under Order 14: affidavit in support of application to sign judgment: sufficiency [Les Fils Dreyfus et Cie Société Anonyme v. Clark (C.A.)], 173.

Writ: specially endorsed writ: statement of claim: no signature shown on copy writ served on defendant: appearance entered: whether writ duly served [Fick & Fick, Ltd. v. Assimakis (C.A.)], 632.

Privy Council:

Appeal: withdrawal of appearance [Hasham v. Zenab (P.C.)], 857.

Costs: unnecessary expense: inclusion of irrelevant matter in record: cost of printing deducted from costs [Lim Siew Neo v. Pang Keah Swee (P.C.)], 31.

Leave to appeal: jurisdiction of Commonwealth court: "civil suit or action": Ceylon: order of Commissioner for registration of Indian and Pakistani residents: appeal to Supreme Court: court's discretion to grant leave to appeal to Privy Council [Tennekoon v. Duraisamy (P.C.)], 437.

Probate:

Administration: administration *cum testamento annexo*: application for grant by persons claiming as beneficiaries under ambiguous will: power of Probate judge to construe will [In the Estate of Last (P.D.A.)], 89.

Costs of action: contested probate action: will duly executed by testator: contemporaneous declaration by testator that will did not represent his wishes: rules and exceptions to rules of practice as to costs in probate actions [In re Cutcliffe's Estate; Le Duc v. Veness (C.A.)], 915.

Public health:

Nuisance: cellar: grating in pavement: liability of occupier of adjoining premises to repair where grating dedicated as part of highway [Macfarlane v. Gwalter (C.A.)], 123.

Railway:

Level crossing: accommodation road: collision between motor-vehicle and train on foggy day: railway authorities' duties [Kemshead v. British Transport Commission (C.A.)], 122; [Hazell v. British Transport Commission (Q.B.D.)], 124.

Negligence: child falling out of guard's van: duty of care: whether danger reasonably foreseeable [O'Connor v. British Transport Commission (C.A.)], 214.

Negligence: shunter injured by points lever: practice tolerated by employers of riding on locomotive steps: siting of lever: foreseeability of risk [Hicks v. British Transport Commission (C.A.)], 307.

Statutory duty: permanent way men: man killed on line: "repairing the permanent way": "danger likely to arise" [Cade v. British Transport Commission (H.L.)], 508.

Rates and rating:

- Charity: "new list": notices terminating allowances: sent before expiration of first year of new list: whether premature [Westminster City Council v. London University King's College (Ch. D.)], 619.
- Industrial hereditament: adaptation for sale: slaughterhouse [Fatstock Marketing Corporation, Ltd. v. Morgan (Valuation Officer) (C.A.)], 215.
- Industrial hereditament: adaptation for sale: sorting of greetings cards: sorting of skins [Wilson Brothers, Ltd. v. Edwards (Valuation Officer); Hudson's Bay Co. v. Thompson (Valuation Officer) (C.A.)], 634.
- Industrial hereditament: road vehicle housing or maintenance: public transport depot: hereditament used for overhaul and repair of omnibuses [London Transport Executive v. Betts (H.L.)], 544.
- Plant and machinery: baker's oven [W. Collier, Ltd. v. Fielding (Valuation Officer) (C.A.)], 215.
- Plant and machinery: petrol station: underground petrol storage tanks [Shell Mex and B.P., Ltd. v. Holyoak (Valuation Officer) (C.A.)], 216.
- Profit: housing trust: trust to provide proper dwelling accommodation for the poorer classes of London: whether established or conducted for profit [Guinness Trust (London Fund) Founded 1890 Registered 1902 v. West Ham Borough Council (Q.B.D.)], 364.
- Social welfare: assessment: organisation previously exempt as scientific society: rate chargeable for first year of new valuation list [Horace Plunkett Foundation v. St. Pancras Borough Council (Q.B.D.)], 33.
- "Social welfare": friendly society: Odd-fellows: society providing benefits and assurance [Independent Order of Oddfellows Manchester Unity Friendly Society v. Manchester Corporation (C.A.)], 857.
- "Social welfare": friendly society: provision of benefits and assurances for members: convalescent home [National Deposit Friendly Society Trustees v. Skegness Urban District Council (H.L.)], 526.
- "Social welfare": Royal College of Nursing [Royal College of Nursing v. St. Marylebone Borough Council (Q.B.D.)], 71.
- "Social welfare": working men's clubs union: convalescent home: union formed to encourage working men to form clubs [Working Men's Club and Institute Union, Ltd. v. Swansea Corporation (Q.B.D.)], 859.
- Social welfare, etc.: "main objects": meaning: zoological society [In re North of England Zoological Society; North of England Zoological Society v. Chester Rural District Council (Ch. D.)], 915.

Residence:

- Company: income tax: test of residence: "superior or directing authority" [Bullock v. Unit Construction Co., Ltd. (Ch. D.)], 654.

Restraint of trade:

- Employment: agreement between two companies that neither would engage servant of other: validity [Kores Manufacturing Co. v. Kolok Manufacturing Co. (C.A.)], 362.

Restrictive trade practices:

- Conditions as to resale prices: individual enforcement: notice of restriction: whether express notice of actual conditions essential [Goodyear Tyre and Rubber Co. (Great Britain), Ltd. v. Lancashire Batteries, Ltd. (Ch. D., C.A.)], 453, 581.
- Conditions as to resale prices: whether Restrictive Trade Practices Act, 1956, retrospective [Dunlop Rubber Co., Ltd. v. Longlife Battery Depot (a firm) (Ch. D.)], 654.

Restrictive trade practices (continued):

- Evidence: trade witness: evidence of conditions of particular trade: whether trade witnesses experts in relation to their trade: whether trade witnesses may be asked what is injurious or beneficial to public [In re Chemists' Federation Agreement (No. 2) (Restrictive Practices Court)], 861.
- Injunction: restriction contrary to public interest: whether injunction should be granted [In re Chemists' Federation Agreement (No. 2) (Restrictive Practices Court)], 861.
- Restriction: whether contrary to public interest: general principles applicable: restriction on sale to public of proprietary medicines otherwise than by qualified retail chemists: whether restriction "reasonably necessary" for protection of public [In re Chemists' Federation Agreement (No. 2) (Restrictive Practices Court)], 861.

Revenue:

- Customs and excise: forfeiture: vehicle "used for the carriage of" goods liable to forfeiture: oil in fuel tank of vehicle liable to forfeiture: whether vehicle also so liable [Commissioners of Customs and Excise v. Jack Bradley (Accrington), Ltd.; Same v. Bradley (Q.B.D.)], 846.
- Estate duty: interest in expectancy: deferred payment: purchase by life tenant of interest in expectancy: falling into possession: whether estate duty payable on purchase price or at death of life tenant or not at all [Fry v. Inland Revenue Commissioners (Ch. D., C.A.)], 271, 617.
- Estate duty: property chargeable: property passing on death: bequest to trustee for life of income "so long as he shall act as . . . trustee . . . by way of remuneration": whether exempted [Public Trustee v. Inland Revenue Commissioners (Ch. D., C.A.)], 177, 527.
- Estate duty: surrender of life interest: settlement: release of equitable interest by life tenant: bonus shares: renunciation: failure of trustees to renounce before release of equitable interest [Pye-Smith v. Inland Revenue Commissioners (Ch. D.)], 601.
- Income tax: "annual payment": coal nationalisation: interim income payments [Inland Revenue Commissioners v. Whitworth Park Coal Co., Ltd. (In Liquidation) (C.A.)], 346.
- Income tax: basis of assessment: Case VI: whether payments assessable in respect of year in which received or year in respect of which they were paid [Inland Revenue Commissioners v. Whitworth Park Coal Co., Ltd. (In Liquidation) (C.A.)], 346.
- Income tax: capital or income receipt: sale of "know how" by manufacturing chemists to Burmese Government [Moriarty (Inspector of Taxes) v. Evans Medical Supplies, Ltd. (H.L.)], 67.
- Income tax: Crown: payments by: whether Case III can apply [Inland Revenue Commissioners v. Whitworth Park Coal Co., Ltd. (In Liquidation) (C.A.)], 346.
- Income tax: discontinuance of trade or profession: author: death: royalties arising from author's contracts: payment after death: whether assessable [Carson (Inspector of Taxes) v. Cheyney's Executor (H.L.)], 955.
- Income tax: discontinuance of trade or profession: company: director: periodical payments under agreement for special services: payable to director or "his executors administrators or assigns": liability to tax after death [Westminster Bank, Ltd. v. Barford (Inspector of Taxes) (Ch. D.)], 270.
- Income tax: double taxation relief: life assurance: mutual life assurance association in Australia: branch office in United Kingdom: assessments to income tax on life fund interest: competence of assessments: "industrial or commercial profits": whether taxable surpluses properly so described [Ostime (Inspector of Taxes) v. Australian Mutual Provident Society (C.A.)], 599.

Revenue (continued):

- Income tax: employment: collateral agreement: scheme by employer to provide housing assistance for employees: loss on sale of dwelling on transfer to new place of work to be made up by employer [Jennings v. Kinder (Inspector of Taxes); Hochstrasser (Inspector of Taxes) v. Mayes (Ch. D., C.A.)], 419, 546.
- Income tax: employment: perquisites or profits: professional huntsman: gifts received from hunt followers and others at Christmas time [Wright v. Boyce (Inspector of Taxes) (Ch. D., C.A.)], 381, 545.
- Income tax: expenses: Racecourse Betting Control Board: expenditure prescribed by statute: whether deductible expenses [Racecourse Betting Control Board v. Young (Inspector of Taxes); Same v. Inland Revenue Commissioners; Young (Inspector of Taxes) v. Racecourse Betting Control Board; Inland Revenue Commissioners v. Same (Ch. D., C.A.)], 85, 468.
- Income tax: foreign income: remittance to United Kingdom: cheques drawn in dollars on foreign bank: purchase by English bankers: sterling equivalent credited in England: foreign currency transferred by purchasers to Bank of England: whether income from foreign securities or possessions [Thomson (Inspector of Taxes) v. Moyse (Ch. D.)], 758.
- Income tax: transfer of assets to company incorporated abroad: charge by company of transferred assets to bank: subsequent payment by taxpayer into company's account at same bank of moneys on unsecured loan to company: whether company's income deemed to be taxpayer's income [Fynn v. Inland Revenue Commissioners (Ch. D.)], 381.
- Income tax: war damage: value payments to property-dealing company: whether chargeable [London Investment & Mortgage Co., Ltd. v. Worthington (Inspector of Taxes); Same v. Inland Revenue Commissioners (H.L.)], 346.
- Profits tax: distribution charge: chargeable accounting period: trading company: trading loss exceeding franked investment income: distributions smaller than franked investment income: whether investment income to be added to nil trading profits [Inland Revenue Commissioners v. South Georgia Co., Ltd. (H.L.)], 214.
- Profits tax: investment company: direction by Special Commissioners: computation of company's actual income: deduction of amount payable by company for profits tax: whether profits tax "payable" before election: whether direction required if nil actual income [Income Tax Special Commissioners v. Linsleys (Established 1894), Ltd. (H.L.)], 122.
- Stamp duty: conveyance or transfer on sale: company having contracted for purchase of property agrees to re-sell to second company: conveyance to second company by executors of original vendor when first company beneficial owner of not less than 90 per cent. of other company's share capital: whether effect of conveyance to transfer beneficial interest from one company to another: whether conveyance executed in pursuance of or connection with arrangement whereunder beneficial interest previously conveyed or transferred [Escoigne Properties, Ltd. v. Inland Revenue Commissioners (H.L.)], 159.
- Stamp duty: conveyance or transfer on sale: oral agreement for value for transfer of reversionary interest to tenant for life: subsequent deed of transfer: whether oral agreement effective to pass equitable reversionary interest [Oughtred v. Inland Revenue Commissioners (Ch. D., C.A.)], 85, 468.
- Stamp duty: conveyance or transfer on sale: transfer by two documents: agreement to sell shares and deed of transfer: consideration payable over 125 years: whole amount due if instalment not paid [Western United Investment Co., Ltd. v. Inland Revenue Commissioners (Ch. D.)], 86.

Revenue (continued):

Stamp duty: gifts *inter vivos*: oral settlement: settlements in favour of grandchildren: transfer of company shares to trustees as nominees: oral direction to trustees and subsequent declaration of trust: whether voluntary dispositions liable to *ad valorem* duty [Grey v. Inland Revenue Commissioners (Ch. D., C.A.)], 84, 469.

Stamp duty: security: agreement to provide broadcasting programmes: fluctuating payments: specified sums payable, variable on a contingency: whether liable to *ad valorem* duty [Independent Television Authority and Associated-Rediffusion, Ltd. v. Inland Revenue Commissioners (Ch. D.)], 635.

Surtax: company: apportionment of undistributed income pursuant to surtax direction: meaning of shareholders' "interests" [Wigram Family Settled Estates, Ltd. (In Liquidation) v. Inland Revenue Commissioners (H.L.)], 137.

Road traffic:

Dangerous driving: automatism [Hill v. Baxter (Q.B.D.)], 53.

Notice of intended prosecution: service of notice [Beer v. Davies (Q.B.D.)], 383.

Notice of intended prosecution: withdrawal: renewal out of time [Lund v. Thompson (Q.B.D.)], 811.

"Road": meaning: car park: driving in car park without licence: whether car park "to which the public has access" a road [Griffin v. Squires (Q.B.D.)], 828.

Sale of goods:

C.I.F.: letter of credit: right to stop: goods alleged defective [Hamzeh Malass & Sons v. British Imex Industries, Ltd. (C.A.)], 68.

C.I.F.: route: customary at time of performance: closure of Suez Canal: frustration [Carapanyoti & Co., Ltd. v. E. T. Green, Ltd. (Q.B.D.)], 620.

F.O.B.: payment: confirmed credit: provision for shipment during specified period: exact shipping date to be chosen by buyer: buyer's delay in making credit available: date by which credit to be opened [Ivan Stach, Ltd. v. Baker Bosley, Ltd. (Q.B.D.)], 177.

Innocent misrepresentation: right of rescission: sale of lorry: delivery and acceptance [Long v. Lloyd (C.A.)], 488.

Price control: motor car: resale: breach of covenant: damages [Mouat v. Betts Motors, Ltd. (P.C.)], 810.

Property: when passing: shipbuilding contract: yacht to be constructed: property to pass on payment of first instalment of price: yacht found to be unseaworthy: whether property passed before completion: whether right to reject precluded by passing of property: time of delivery: whether warranty or condition [McDougall v. Aeromarine of Emsworth, Ltd. (Q.B.D.)], 860.

Shipping:

Bill of lading: seaworthiness: damage to cargo due to negligence of workman of independent contractor: liability of shipowner [Riverstone Meat Co. Pty., Ltd. v. Lancashire Shipping Co., Ltd. (Q.B.D.)], 656.

Charterparty: arrived ship: ship awaiting cargo of maize compelled to wait in Buenos Aires Roads: ships excluded from dock area unless cargo immediately available: whether Roads within commercial area of port [Agrimpex Hungarian Trading Company for Agricultural Products v. Sociedad Financiera de Bienes Raices S.A.; The Aello (C.A.)], 527.

Shipping (continued):

Charterparty: cargo, obligation of charterer to provide: ship unable to become an arrived ship unless cargo immediately available: charterers' failure to have cargo available: liability of charterers for breach of contract: whether charterers' breach matter of counter-claim or of defence [Agrimpex Hungarian Trading Company for Agricultural Products v. Sociedad Financiera de Bienes Raices S.A.; The Aello (C.A.)], 527.

Charterparty: clause paramount: "this bill of lading" subject to United States Carriage of Goods by Sea Act, 1936: whether clause meaningless: obligation to use due diligence in regard to seaworthiness: "loss or damage arising . . . from unseaworthiness": meaning of "loss or damage" [Adamastos Shipping Co., Ltd. v. Anglo-Saxon Petroleum Co., Ltd. (H.L.)], 290.

Charterparty: demurrage: exceptions clause: charterparty providing for shipment of wide variety of cargo: strike affecting one type of cargo: effect of exceptions clause [South African Dispatch Line v. Owners of the Panamanian Steamship Niki (Q.B.D.)], 916.

Charterparty: demurrage: lay time: commencement: cargo discharged before notice of readiness [Pteroti Compania Naviera S.A. v. National Coal Board (Q.B.D.)], 216.

Charterparty: demurrage: "weather working days": tides: ship's safety threatened by bore tides: harbour master ordering ship out of berth for six days [Compania Crystal de Vapores de Panama v. Herman & Mohatta (India), Ltd. (Q.B.D.)], 471.

Charterparty: sale of vessel under charter: purchaser's notice of charter: whether affected by it [Port Line, Ltd. v. Ben Line Steamers, Ltd. (P.D.A.)], 232.

Requisition: compensation: X's bareboat charter from owners determined by requisition: charterers' time charter with X not so determined: whether charterers can recover compensation paid to owners for requisition period [Port Line, Ltd. v. Ben Line Steamers, Ltd. (P.D.A.)], 232.

Salvage: assessment of awards: elements material: tax element: incidence of taxation on award not material [Island Tug and Barge, Ltd. v. S.S. Makedonia (Owners); The Makedonia (Q.B.D.)], 124.

Shop:

Sunday closing: mobile shop: whether part of road where van standing a "place" where retail trade carried on [Stone v. Boreham (Q.B.D.)], 548.

Sunday closing exemption: retail store carrying on several trades or businesses: failure to display notice stating purpose for which shop open: prosecution: charge improperly laid [Tonkin v. Raven (Q.B.D.)], 845.

Solicitor:

Costs: lien: divorce: whether absolute lien in divorce suit [Hughes v. Hughes (P.D.A., C.A.)], 383, 654.

Costs: lump sum or gross charge: non-contentious business: agreement for lump sum payment for costs: whether client entitled to itemised bill [Rutter v. Sheridan-Young (C.A.)], 291.

Costs: proceedings improperly continued: personal liability of solicitor to pay costs: position under legal aid unaltered: proceedings under Matrimonial Causes Act, 1950, s. 23: desirability of initial enquiries: effect of discovery on continuation of proceedings [Edwards v. Edwards (P.D.A.)], 402.

Costs: taxation: lump sum or gross charge: whether business "contentious" or "non-contentious": compulsory winding up: work done in contemplation of legal proceedings: no proceedings taken [In re Simpkin Marshall, Ltd. (Ch. D.)], 878.

Solicitor (continued):

Negligence: failure to issue writ in due time: plaintiff's claim under Fatal Accidents Acts lost: claim against solicitor after 13 years: whether "right of action . . . concealed by . . . fraud" [Kitchen v. Royal Air Force Association (C.A.)], 363.

Remuneration: will: attestation by solicitor: subsequent appointment as trustee: whether entitled to remuneration [In re Royce's Will Trusts; Tildesley v. Tildesley (Ch. D.)], 859.

Town and country planning:

Development: assessment of development value: effect of planning permission on value of land [London County Council v. Central Land Board (Ch. D., C.A.)], 330, 935.

Development: "authorised by Act": private Act enacting that heads of agreement between parties "are hereby confirmed and made binding" on parties: whether provisions binding as contract or as a statute: whether permission required: quarrying: permission granted subject to conditions imposed by Minister: whether conditions related to permitted development valid without provision for compensation [Tyx Granite Co., Ltd. v. Ministry of Housing and Local Government (C.A.)], 175.

Development: discontinuance: resumption of former use of land after non-user: justices finding that resumption not material change of use [Fyson v. Buckinghamshire County Council; Metal Recovery and Storage Co., Ltd. v. Same (Q.B.D.)], 420.

Development: planning permission: condition: relation of conditions to local planning considerations [Fawcett Properties, Ltd. v. Buckingham County Council (Ch. D.)], 859.

Enforcement notice: form: validity: originating summons for declaration that notice invalid [Rigden v. Whitstable Urban District Council (Ch. D.)], 547.

Enforcement notice: justices' jurisdiction: question whether development occurred [Eastbourne Corporation v. Fortes Ice Cream Parlour (1955), Ltd. (Q.B.D.)], 365.

Enforcement notice: non-compliance: development without permission: whether lawful: relator action: injunction: caravan site: retrospective application for permission refused: appeal to Minister: removal of caravans to another site after dismissal of appeal: repeated applications for permission and appeals in respect of other sites: whether development without permission unlawful [A.-G. v. Smith (Q.B.D.)], 490.

Planning permission: outline permission: subject to approval of "matters reserved": details of reserved matters submitted: whether fresh application [Hamilton v. West Sussex County Council (Q.B.D.)], 364.

Purchase notice by owner: Minister's refusal to confirm: limitation on Minister's power to direct other development [R. v. Minister of Housing and Local Government; ex parte Rank Organisation, Ltd. (Q.B.D.)], 811.

Trade mark:

Infringement: bona fide use of own name as defence [Baume & Co., Ltd. v. A. H. Moore, Ltd. (C.A.)], 329.

Trust and trustee:

Breach of trust: fraudulent conversion by trustee: transfer of part of proceeds to innocent third party: claim by beneficiary to follow assets: appropriate defence [G. L. Baker, Ltd. v. Medway Building and Supplies, Ltd. (C.A.)], 877.

Constructive trust: business: business and lease bequeathed to executors beneficially: new lease granted to one executor: business carried on by executor for own benefit: form of account to be taken: laches [In re Jarvis; Edge v. Jarvis (Ch. D.)], 546.

Trust and trustee (continued):

Power of advancement: exercise of power: statutory power: application of capital: payment to beneficiary direct [*In re Moxon's Will Trusts*; *Downey v. Moxon* (Ch. D.)], 124.
Power of advancement: validity: remoteness: power to apply vested or contingent share of any person interested under will for his or her benefit or benefit of child or children: whether power void for remoteness [*In re Wills' Will Trusts* (Ch. D.)], 490.
Protective trust: forfeiture clause: maintenance charged on protected interest by order of court [*In re Richardson's Will Trusts*; *Public Trustee v. Llewellyn Evans' Trustee* (Ch. D.)], 176.

Vendor and purchaser:

Lien of vendor: when charge arises: contract to purchase dwelling-house: death of purchaser before completion: vendor's charge on estate for unpaid purchase money [*In re Birmingham*; *Savage v. Stannard* (Ch. D.)], 454.
Purchaser's interest before completion: requisitioned premises: compensation on derequisitioning payable to "owner" at date of derequisitioning: contract of sale at that date: completion: claim by purchaser: whether vendor a constructive trustee for purchaser of compensation money [*In re Hamilton-Snowball's Conveyance* (Ch. D.)], 401.

Vendor and purchaser (continued):

Specific performance: proof of title: action for: plaintiff's title derived from will containing latent ambiguity [*Wilson v. Thomas* (Ch. D.)], 270.

Vicarious liability:

Master and servant: indemnity from servant: injury to fellow-servant by negligent driving of servant: motor-cycle made available for employers' business: whether implied term to drive with reasonable skill and care in contract of employment [*Harvey v. R. G. O'Dell, Ltd.*; *Galway, third party* (Q.B.D.)], 196.
Master and servant: negligence: course of employment: injury to servant through negligence of fellow-servant: motor-cycle belonging to fellow-servant authorised and only practical method of transport: accident while travelling for meal: whether journey in course of employment [*Harvey v. R. G. O'Dell, Ltd.*; *Galway, third party* (Q.B.D.)], 196.

West Africa (Gold Coast):

Jurisdiction: "judgment": nullity: review: second judgment not a nullity [*Kofi Forie v. Seifah* (P.C.)], 31.

West Africa (Nigeria):

Jurisdiction: claim to ownership of land: not a claim to fix boundaries: jurisdiction of Supreme Court [*Eke Oja v. Kanu Ukpai* (P.C.)], 106.

Will:

Attestation: proof: signatures on back of will [*In the Estate of Denning* (P.D.A.)], 293.
Attestation: trustee: provisions in will for remuneration of trustee and solicitor: attesting witness subsequently appointed trustee: whether entitled to remuneration [*In re Royce's Will Trusts*; *Tildesley v. Tildesley* (Ch. D.)], 859.
Construction: absolute or life interest: gift over of "anything that is left" at donee's death [*In the Estate of Last* (P.D.A.)], 89.
Construction: "business": bequest of "business of a house furnisher": assets and liabilities comprised in bequest [*In re White*; *McCann v. Hull* (Ch. D.)], 195.
Construction: investment clause: power to invest in stock of "any British colony or dependency": "but not otherwise": meaning of "but not otherwise": whether investments authorised by law excluded [*In re Rider's Will Trusts*; *Nelson v. Rider* (Ch. D.)], 636.
Construction: uncertainty: condition precedent: bequests on marriage with "a person of the Jewish race" [*In re Tarnpolsk*; *Barclays Bank, Ltd. v. Hyer* (Ch. D.)], 857.
Soldier's will: "in actual military service": occupation force: infant [*In the Estate of Colman* (P.D.A.)], 292.

STATUTES

ENACTED IN PARLIAMENT, 1958

6 & 7 Eliz. 2

CHAPTER 5

POST OFFICE AND TELEGRAPH (MONEY) ACT, 1958

An Act to provide money for expenses of the Post Office properly chargeable to capital account; and for purposes connected therewith. [20th February, 1958.]

CHAPTER 6

IMPORT DUTIES ACT, 1958

An Act to confer new powers to impose duties of customs in place of the powers conferred by the Import Duties Act, 1932, and, in connection therewith, to repeal the duties of customs chargeable under or by virtue of that Act and of certain other enactments and make general provision for the purpose of customs duties as to Commonwealth preference and as to produce of the sea, and for purposes connected with the matters aforesaid. [20th February, 1958.]

CHAPTER 7

CONSOLIDATED FUND ACT, 1958

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-eight. [20th February, 1958.]

CHAPTER 8

TRUSTEE SAVINGS BANKS ACT, 1958

An Act to amend the law relating to trustee savings banks. [20th February, 1958.]

CHAPTER 9

ENTERTAINMENTS DUTY ACT, 1958

An Act to consolidate the enactments relating to entertainments duty. [20th February, 1958.]

CHAPTER 10

BRITISH NATIONALITY ACT, 1958

An Act to amend the British Nationality Act, 1948, by making provision in relation to the Federation of Rhodesia and Nyasaland and to Ghana, by extending and providing for the discharge of the functions in Commonwealth countries of High Commissioners for Her Majesty's Government in the United Kingdom, and for purposes connected therewith. [20th February, 1958.]

CHAPTER 11

ISLE OF MAN ACT, 1958

An Act to repeal certain enactments relating to the Isle of Man; to empower the Court of Tynwald to make provision with regard to customs and harbours; to provide for the payment to the Isle of Man of a share of certain duties; and for purposes connected therewith. [20th February, 1958.]

CHAPTER 12

NEW TOWNS ACT, 1958

An Act to increase the aggregate amount of the advances which may be made to development corporations under subsection (1) of section twelve of the New Towns Act, 1946, and to amend section thirteen of that Act in respect of the reports and accounts to be laid before Parliament. [20th February, 1958.]

CHAPTER 13

CAYMAN ISLANDS AND TURKS AND CAICOS ISLANDS ACT, 1958

An Act to separate the Turks and Caicos Islands from the colony of Jamaica and to make fresh provision for the government of those Islands and of the Cayman Islands. [20th February, 1958.]

CHAPTER 14

OVERSEAS SERVICE ACT, 1958

An Act to authorise the Secretary of State to appoint officers available for civilian employment in public services overseas; to make provision as to superannuation in respect of officers so appointed, and to make further provision with respect to the overseas service of police officers; and for purposes connected with the matters aforesaid. [13th March, 1958.]

CHAPTER 15

OVERSEAS RESOURCES DEVELOPMENT ACT, 1958

An Act to make provision as to the areas in which the Colonial Development Corporation may operate, and to increase the sums which may be borrowed by the Corporation or advanced to them by the Secretary of State. [13th March, 1958.]

CHAPTER 16

COMMONWEALTH INSTITUTE ACT, 1958

An Act to amend the law with respect to the Imperial Institute. [13th March, 1958.]

CHAPTER 17

RECREATIONAL CHARITIES ACT, 1958

An Act to declare charitable under the law of England and Wales the provision in the interests of social welfare of facilities for recreation or other leisure-time occupation, to make similar provision as to certain trusts heretofore established for carrying out social welfare activities within the meaning of the Miners' Welfare Act, 1952, to enable laws for corresponding purposes to be passed by the Parliament of Northern Ireland, and for purposes connected therewith. [13th March, 1958.]

CHAPTER 18**CONSOLIDATED FUND (No. 2) ACT, 1958**

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and fifty-eight and one thousand nine hundred and fifty-nine. [26th March, 1958.]

CHAPTER 19**NATIONALISED INDUSTRIES LOANS ACT, 1958**

An Act to continue until the end of August, nineteen hundred and fifty-eight, the power to make advances under section forty-two of the Finance Act, 1956. [26th March, 1958.]

CHAPTER 20**NATIONAL HEALTH SERVICE CONTRIBUTIONS ACT, 1958**

An Act to increase the rates of national health service contributions, and for purposes connected therewith. [30th April, 1958.]

CHAPTER 21**LIFE PEERAGES ACT, 1958**

An Act to make provision for the creation of life peerages carrying the right to sit and vote in the House of Lords. [30th April, 1958.]

CHAPTER 22**ROAD TRANSPORT LIGHTING (AMENDMENT) ACT, 1958**

An Act to amend sections two and three of the Road Transport Lighting Act, 1957, so as to permit the use of coloured reflectors on the pedals of bicycles and tricycles. [30th April, 1958.]

CHAPTER 23**MILFORD HAVEN CONSERVANCY ACT, 1958**

An Act to make provision with respect to the maintenance, improvement, protection and regulation of the navigation of Milford Haven; and for purposes connected therewith. [30th April, 1958.]

CHAPTER 24**LAND DRAINAGE (SCOTLAND) ACT, 1958**

An Act to make provision with respect to the drainage of agricultural land in Scotland and for purposes connected therewith. [14th May, 1958.]

CHAPTER 25**CHRISTMAS ISLAND ACT, 1958**

An Act to enable Her Majesty to place Christmas Island under the Authority of the Commonwealth of Australia, and for purposes connected therewith. [14th May, 1958.]

CHAPTER 26**HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT, 1958**

An Act to amend the House of Commons (Redistribution of Seats) Act, 1949. [14th May, 1958.]

CHAPTER 27**INDUSTRIAL ASSURANCE AND FRIENDLY SOCIETIES ACT, 1948 (AMENDMENT) ACT, 1958**

An Act to amend the Industrial Assurance and Friendly Societies Act, 1948, by increasing the limit on the amount of insurances on the life of a parent or grandparent. [7th July, 1958.]

CHAPTER 28**SOLICITORS (SCOTLAND) ACT, 1958**

An Act to amend the law relating to solicitors and notaries public in Scotland, and for purposes connected therewith. [7th July, 1958.]

CHAPTER 29**MARRIAGE ACTS AMENDMENT ACT, 1958**

An Act to enable certain places of worship to be registered for marriages less than twelve months after first being used for worship; and for purposes connected with the matter aforesaid. [7th July, 1958.]

CHAPTER 30**LAND POWERS (DEFENCE) ACT, 1958**

An Act to provide for the termination of certain emergency powers and to make certain provision in substitution therefor; and for purposes connected with the matters aforesaid. [7th July, 1958.]

CHAPTER 31**FIRST OFFENDERS ACT, 1958**

Act to restrict the imprisonment of first offenders. [7th July, 1958.]

CHAPTER 32**OPTICIANS ACT, 1958**

An Act to provide for the registration of opticians and the enrolment of bodies corporate carrying on business as opticians; to regulate the practice of opticians and the conduct by such bodies corporate of their business as opticians; to impose restrictions on the testing of sight and the supply of optical appliances; and for purposes connected therewith. [7th July, 1958.]

CHAPTER 33**DISABLED PERSONS (EMPLOYMENT) ACT, 1958**

An Act to amend the law relating to disabled persons as regards the minimum age for attendance at certain courses under the Disabled Persons (Employment) Act, 1944, as regards registration under that Act and as regards the provision by local authorities of employment or other work under special conditions. [7th July, 1958.]

CHAPTER 34**LITTER ACT, 1958**

An Act to make provision for the abatement of litter. [7th July, 1958.]

CHAPTER 35**MATRIMONIAL CAUSES (PROPERTY AND MAINTENANCE) ACT, 1958**

An Act to enable the power of the court in matrimonial proceedings to order alimony, maintenance or the securing of a sum of money to be exercised at any time after a decree; to provide for the setting aside of dispositions of property made for the purpose of reducing the assets available for satisfying such an order; to enable the court after the death of a party to a marriage which has been dissolved or annulled to make provision out of his estate in favour of the other party; and to extend the powers of the court under section seventeen of the Married Women's Property Act, 1882. [7th July, 1958.]

CHAPTER 36**PHYSICAL TRAINING AND RECREATION ACT, 1958**

An Act to make provision for loans to be made by local authorities for physical training and recreation in Great Britain. [7th July, 1958.]

CHAPTER 37**DRAINAGE RATES ACT, 1958**

An Act to amend the provisions of the Land Drainage Act, 1930, relating to the ascertainment of annual value for the purposes of drainage rates; and for purposes connected therewith. [7th July, 1958.]

CHAPTER 38**DEFENCE CONTRACTS ACT, 1958**

An Act to amend the enactments authorising the use of patented inventions and registered designs for the services of the Crown in respect of articles required for defence and similar purposes by the Governments of allied or associated countries or the United Nations; to make permanent provision with respect to the use for defence and similar purposes of other technical information protected by contractual arrangements; to repeal certain emergency provisions relating to inventions and designs; and for purposes connected with the matters aforesaid. [7th July, 1958.]

CHAPTER 39**MAINTENANCE ORDERS ACT, 1958**

An Act to make provision for the registration in the High Court or a magistrates' court of certain maintenance orders made by the other of those courts or a county court and with respect to the enforcement and variation of registered orders; to make provision for the attachment of sums falling to be paid by way of wages, salary or other earnings or by way of pension for the purpose of enforcing certain maintenance orders; to amend section seventy-four of the Magistrates' Courts Act, 1952; to make provision for the review of committals to prison by magistrates' courts for failure to comply with maintenance orders; to enable Orders in Council under section twelve of the Maintenance Orders (Facilities for Enforcement) Act, 1920, to be revoked or varied; and for purposes connected with the matters aforesaid. [7th July, 1958.]

CHAPTER 40**MATRIMONIAL PROCEEDINGS (CHILDREN) ACT, 1958**

An Act to extend the powers of courts to make orders in respect of children in connection with proceedings between husband and wife and to require arrangements with respect to the satisfaction of the court before the making of a decree in such proceedings. [7th July, 1958.]

CHAPTER 41**DISTRIBUTION OF INDUSTRY (INDUSTRIAL FINANCE) ACT, 1958**

An Act to enable the Treasury to give assistance under section four of the Distribution of Industry Act, 1945, for reducing unemployment in localities suffering from a high rate of unemployment. [23rd July, 1958.]

CHAPTER 42

HOUSING (FINANCIAL PROVISIONS) ACT, 1958

An Act to consolidate certain enactments relating to the giving of financial assistance for the provision of housing accommodation and to other financial matters. [23rd July, 1958.]

CHAPTER 43

HORSE BREEDING ACT, 1958

An Act to consolidate the Horse Breeding Act, 1918, and the Animals Act, 1948. [23rd July, 1958.]

CHAPTER 44

DRAMATIC AND MUSICAL PERFORMERS' PROTECTION ACT, 1958

An Act to consolidate the Dramatic and Musical Performers' Protection Act, 1925, and the provisions of the Copyright Act, 1956, amending it. [23rd July, 1958.]

CHAPTER 45

PREVENTION OF FRAUD (INVESTMENTS) ACT, 1958

An Act to consolidate the Prevention of Fraud (Investments) Act, 1939, section one hundred and seventeen of the Companies Act, 1947, and so much of the Companies Act, 1948, as relates to the enactments aforesaid. [23rd July, 1958.]

CHAPTER 46

STATUTE LAW REVISION ACT, 1958

An Act to revise the statute law by repealing enactments which have ceased to be in force or have become unnecessary and re-enacting a provision of certain Acts which are otherwise spent. [23rd July, 1958.]

CHAPTER 47

AGRICULTURAL MARKETING ACT, 1958

An Act to consolidate the Agricultural Marketing Acts, 1931 to 1949 (other than the provisions thereof relating to the sale of eggs), and certain other enactments conferring powers on boards administering schemes under those Acts regulating the marketing of milk, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [23rd July, 1958.]

CHAPTER 48

METROPOLITAN POLICE ACT, 1839 (AMENDMENT) ACT, 1958

An Act to amend section fifty-four of the Metropolitan Police Act, 1839, for the purpose of increasing the maximum penalty for threatening, abusive or insulting words or behaviour in any thoroughfare or public place. [23rd July, 1958.]

CHAPTER 49

TRADING REPRESENTATIONS (DISABLED PERSONS) ACT, 1958

An Act to control the making of representations by traders with respect to the employment or assistance of blind or other disabled persons in connection with the production, preparation, packing or sale of goods, and for purposes connected therewith. [23rd July, 1958.]

CHAPTER 50

LOCAL GOVERNMENT (OMNIBUS SHELTERS AND QUEUE BARRIERS) (SCOTLAND) ACT, 1958

An Act to make provision as to the erection and maintenance of omnibus shelters and queue barriers by local authorities in Scotland, and for purposes connected therewith. [23rd July, 1958.]

CHAPTER 51

PUBLIC RECORDS ACT, 1958

An Act to make new provision with respect to public records and the Public Record Office, and for connected purposes. [23rd July, 1958.]

CHAPTER 52

COSTS OF LEASES ACT, 1958

An Act to make provision for the incidence of the costs of leases. [23rd July, 1958.]

CHAPTER 53

VARIATION OF TRUSTS ACT, 1958

An Act to extend the jurisdiction of courts of law to vary trusts in the interests of beneficiaries and sanction dealings with trust property. [23rd July, 1958.]

CHAPTER 54

DIVORCE (INSANITY AND DESERTION) ACT, 1958

An Act to amend the law as to the circumstances in which, for the purposes of proceedings for divorce in England or Scotland, a person is to be treated as having been continuously under care and treatment and as to the effect of insanity on desertion; and to enable a petition for divorce to be presented on the ground of desertion notwithstanding any separation agreement entered into before desertion became a ground for divorce in English law. [23rd July, 1958.]

CHAPTER 55

LOCAL GOVERNMENT ACT, 1958

An Act to make further provision, as respects England and Wales, with respect to grants to local or police authorities, with respect to the rating of industrial and freight-transport hereditaments and of transport, electricity and gas authorities; with respect to the making of changes in the area, name, status and functions of local authorities, and with respect to local government finance and elections; to amend the law in England and Wales and in Northern Ireland as to the making by trustees of loans to local and other authorities; and for purposes connected with the matters aforesaid. [23rd July, 1958.]

CHAPTER 56

FINANCE ACT, 1958

An Act to amend certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [1st August, 1958.]

CHAPTER 57

APPROPRIATION ACT, 1958

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-nine, and to appropriate the supplies granted in this Session of Parliament. [1st August, 1958.]

CHAPTER 58

MEDICAL ACT, 1956 (AMENDMENT) ACT, 1958

An Act to amend the provisions of the Medical Act, 1956, relating to the experience required for full registration and to applications for provisional registration, and of the First Schedule to that Act relating to fees, expenses and allowances. [1st August, 1958.]

CHAPTER 59

STATE OF SINGAPORE ACT, 1958

An Act to provide for the establishment of the State of Singapore and for the peace, order and good government thereof; and for purposes connected with the matters aforesaid. [1st August, 1958.]

CHAPTER 60

CHEQUERS ESTATE ACT, 1958

An Act to amend the deed of settlement set out in the Schedule to the Chequers Estate Act, 1917; to authorise the payment of Exchequer grants in aid of the expenses of the administrative trustees under that deed, as amended; and for purposes connected with the matters aforesaid. [1st August, 1958.]

CHAPTER 61

INTEREST ON DAMAGES (SCOTLAND) ACT, 1958

An Act to amend the law of Scotland relating to the power of the courts to order payment of interest on damages. [1st August, 1958.]

CHAPTER 62

MERCHANT SHIPPING (LIABILITY OF SHIPOWNERS AND OTHERS) ACT, 1958

An Act to amend Part VIII of the Merchant Shipping Act, 1894, and section two of the Merchant Shipping (Liabilities of Shipowners and Others) Act, 1900; and for purposes connected therewith. [1st August, 1958.]

CHAPTER 63

PARK LANE IMPROVEMENT ACT, 1958

An Act to authorise the London County Council to carry out certain street improvements in the vicinity of Park Lane partly on lands comprised in Hyde Park and the Green Park and partly on other lands; and for purposes connected therewith. [1st August, 1958.]

CHAPTER 64

LOCAL GOVERNMENT AND MISCELLANEOUS FINANCIAL PROVISIONS (SCOTLAND) ACT, 1958

An Act to make new provision for grants out of the Exchequer to local authorities in Scotland and otherwise to amend the law of Scotland relating to local government finance and administration; to abolish the Education (Scotland) Fund; to amend the law of Scotland relating to the valuation for rating of industrial and freight-transport lands and heritages and premises of Gas Boards, and to the sittings of valuation appeal committees; to extend the power of trustees under the Trusts (Scotland) Act, 1921, to lend money to local authorities; to provide for increase of the fees payable in Scotland under certain enactments relating to marriage and to registration of births, deaths and marriages; and for purposes connected with the matters aforesaid. [1st August, 1958.]

CHAPTER 65**CHILDREN ACT, 1958**

An Act to make fresh provision for the protection of children living away from their parents; to amend the law relating to the adoption of children; and for purposes connected with the matters aforesaid.
[1st August, 1958.]

CHAPTER 66**TRIBUNALS AND INQUIRIES ACT, 1958**

An Act to constitute a Council on Tribunals; to make further provision as to the appointment, qualifications and removal of the chairman and members, and as to the procedure, of certain tribunals; to provide for appeals from decisions of, or on appeal from, certain tribunals; to require the giving of reasons for certain decisions of tribunals and Ministers; to extend the supervisory powers of the High Court and the Court of Session; to abolish certain restrictions on appeals from the Court of Session to the House of Lords; to make further provision with respect to the appointment and qualifications for General Commissioners of Income Tax, and provision for the payment of allowances to General and Additional Commissioners; and for purposes connected with the matters aforesaid.
[1st August, 1958.]

CHAPTER 67**WATER ACT, 1958**

An Act to confer powers to meet deficiencies in the supply of water due to exceptional shortage of rain and to revoke, with savings, Defence Regulations 50A and 56.
[1st August, 1958.]

CHAPTER 68**LANDLORD AND TENANT (TEMPORARY PROVISIONS) ACT, 1958**

An Act to prohibit the recovery of possession, except by legal proceedings, of certain dwelling-houses released from control by subsection (1) of section eleven of the Rent Act, 1957, and to provide in certain cases for suspending for a limited time the execution of any order made in such proceedings; to regulate the terms and conditions as to rent and other matters to be applied in cases where possession of such dwelling-houses is retained pending the recovery of possession; and for purposes connected with the matters aforesaid.
[1st August, 1958.]

CHAPTER 1**ARMED FORCES (HOUSING LOANS) ACT, 1958**

An Act to amend the Armed Forces (Housing Loans) Act, 1949.
[18th December, 1958.]

CHAPTER 2**AGRICULTURAL MORTGAGE CORPORATION ACT, 1958**

An Act to enlarge the amounts which may be advanced to the Agricultural Mortgage Corporation Limited by the Minister of Agriculture, Fisheries and Food for the purpose of increasing the Corporation's guarantee fund, and to extend the period during which the Minister may give the Corporation assistance by way of annual grant or loan.
[18th December, 1958.]

CHAPTER 3**DEVELOPMENT OF INVENTIONS ACT, 1958**

An Act to extend the period during which advances may be made to the National Research Development Corporation out of the Consolidated Fund and to increase the limit on such advances.
[18th December, 1958.]

CHAPTER 4**EXPIRING LAWS CONTINUANCE ACT, 1958**

An Act to continue certain expiring laws.
[18th December, 1958.]

CHAPTER 69**OPENCAST COAL ACT, 1958**

An Act to make provision with respect to the working of coal by opencast operations, including provision for the compulsory acquisition by the National Coal Board of rights over land and provision for the payment of compensation in connection therewith; to provide for adjustments between landlords and tenants, and in respect of mortgages, mining leases and orders conferring working rights, in consequence of the authorisation of such operations or of the acquisition by the Board of such rights over land; and for purposes connected with the matters aforesaid.
[1st August, 1958.]

CHAPTER 70**SLAUGHTERHOUSES ACT, 1958**

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith.
[1st August, 1958.]

CHAPTER 71**AGRICULTURE ACT, 1958**

An Act to amend the Agriculture Act, 1947, the Agricultural Holdings Act, 1948, the Agriculture (Scotland) Act, 1948, and the Agricultural Holdings (Scotland) Act, 1949; to require the landlord of an agricultural holding in certain cases to provide, repair or alter fixed equipment on the holding; to amend Part II of the Landlord and Tenant Act, 1954, as to tenancies of agricultural land excluded therefrom; to amend the Schedule to the Corn Production Acts (Repeal) Act, 1921, and section twenty-one of the Hill Farming Act, 1946; and for purposes connected with the matters aforesaid.
[1st August, 1958.]

CHAPTER 72**INSURANCE COMPANIES ACT, 1958**

An Act to consolidate the Assurance Companies Acts, 1909 to 1946, and the enactments amending those Acts with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949.
[1st August, 1958.]

7 Eliz. 2

CHAPTER 5**ADOPTION ACT, 1958**

An Act to consolidate the enactments relating to the adoption of children.
[18th December, 1958.]

CHAPTER 6**NATIONAL DEBT ACT, 1958**

An Act to consolidate certain enactments relating to the national debt.
[18th December, 1958.]

CHAPTER 7**MANŒUVRES ACT, 1958**

An Act to consolidate certain enactments relating to defence manœuvres.
[18th December, 1958.]

CHAPTER 8**SLAUGHTER OF ANIMALS ACT, 1958**

An Act to consolidate certain enactments relating to the slaughter of animals.
[18th December, 1958.]

CHAPTER 9**REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1958**

An Act to repeal section eighty-eight of the Representation of the People Act, 1949.
[18th December, 1958.]

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